DOCUMENT RESUME

ED 215 510 EC 142 170

TITLE	Rules for the Education of Handicapped Children.
INSTITUTION	Ohio State Dept. of Education, Columbus. Div. of Special Education.
SPONS AGENCY	Department of Education, Washington, DC.
PUB DATE	[82]
NOTE	115p.
AVAILABLE FROM	Ohio Department of Education, Division of Special Education, 933 High St., Worthington, OH 43085-4087 (no price quoted).
EDRS PRICE	MF01/PC05 Plus Postage.
DESCRIPTORS	*Ancillary School Services; Definitions; *Disabilities; Due Process; Elementary Secondary Education; *Financial Support; Handicap Identification; Individualized Education Programs; School Policy; *Special Education; State Programs; Student Evaluation; Student Placement; Therapy; Transportation
IDENTIFIERS	*Ohio

ABSTRACT

The regulations cover Ohio's provision for the education of handicapped children. Nine major topics are addressed (sample subtopics in parentheses): definitions (handicapping conditions as well as "consent," "special education," and "notice" or "notification"); procedural safeguards (identification, confidentiality, multifactored evaluation, due process hearings); continuum of program options (supplemental services, individual/small group instruction); special education programs (specific programs for seven categories of handicaps); related services (adapted physical education, occupational and physical therapy, work-study services); funding for special education and related services (general and specific reimbursement regulations for services); transportation of handicapped children; transportation of educable mentally retarded children; and standards for admission, transfer, suspension, and expulsion at the Ohio State School for the Blind and the Ohio School for the Deaf. (CL)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED215510

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

RULES FOR THE EDUCATION OF HANDICAPPED CHILDREN

Ohio Department of Education
Columbus, Ohio

EC142170

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
Frank E. New
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

RULES FOR THE EDUCATION OF HANDICAPPED CHILDREN

Effective July 1, 1982

Standards for Transportation of Handicapped Children

Standards for Admission, Transfer, Suspension and Expulsion — the Ohio State School for The Blind and the Ohio School for the Deaf

Effective July 1, 1977

Franklin B. Walter
Superintendent of Public Instruction

R. A. Horn
Executive Director
Compensatory and Habilitative Education

S. J. Bonham, Jr.
Director, Division of Special Education

Ohio Department of Education
Columbus, Ohio

State Board of Education

Roy D. McKinley, Coshocton, *President*
Richard C. Glowacki, Toledo, *Vice-President*
Martha B. Agler, Columbus
Wallace E. Blake, Zanesville
Grace T. Christy, Cincinnati
Timothy M. Flanagan, Westlake
James H. Hewitt, III, Cleveland
John E. Holcomb, Akron
Virginia E. Jacobs, Lima
Everett L. Jung, M.D., Hamilton
Thomas A. Kelty, Poland
Mary R. Lindner, Cincinnati
John R. Meckstroth, Cincinnati
Nancy L. Oliver, Cleveland
Paul F. Pfeiffer, Massillon
Donald S. Ritter, Madison
Chester A. Roush, Kettering
Anthony J. Russo, Mayfield Village
Ruth S. Schildhouse, Columbus
Wayne E. Shaffer, Bryan
Robert W. Walker, Adena
Robert E. Williams, Xenia
Martha W. Wise, Elyria

TABLE OF CONTENTS

3301-51-01 DEFINITIONS 3

3301-51-02 PROCEDURAL SAFEGUARDS FOR HANDICAPPED CHILDREN

A. Identification of Handicapped Children 14
B. Confidentiality 18
C. Preevaluation 24
D. Multifactored Evaluation 27
E. IEP Activities 29
F. Parent Surrogate 34
G. Impartial Due Process Hearing 35

3301-51-03 CONTINUUM OF PROGRAM OPTIONS FOR HANDICAPPED CHILDREN

A. General 42
B. Supplemental Services 43
C. Individual/Small Group Instruction 45
D. Special Class/Learning Center 47
E. Home Instruction 49

3301-51-04 SPECIAL EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN

A. Program for Multihandicapped 50
B. Program for Hearing Handicapped 53
C. Program for Visually Handicapped 56
D. Program for Orthopedically and/or Other Health Handicapped 59
E. Program for Severe Behavior Handicapped . 62
F. Program for Developmentally Handicapped . 66
G. Program for Specific Learning Disabled 68

3301-51-05 RELATED SERVICES FOR HANDICAPPED CHILDREN

A. General 73
B. Adapted Physical Education Services 74
C. Aide Services 75
D. Attendant Services 76
E. Audiological Services 76
F. Guide Services 78
G. Interpreter Services 78
H. Medical Services 79
I. Occupational Therapy Services 80
J. Orientation and Mobility Services 81
K. Physical Therapy Services 82

L. Reader Services 84
M. School Psychological Services 84
N. Speech and Language Services 87
O. Supervisory Services 91
P. Vocational Special Education Coordinator Services 93
Q. Work-Study Services 94

3301-51-06 FUNDING FOR SPECIAL EDUCATION AND RELATED SERVICES

A. General 95
B. Reimbursement 96
1. Multihandicapped 96
2. Hearing Handicapped 96
3. Visually Handicapped 96
4. Orthopedically and/or Other Health Handicapped 97
5. Severe Behavior Handicapped 97
6. Developmentally Handicapped 97
7. Specific Learning Disabled 98
8. Adapted Physical Education Services .. 98
9. Attendant Services 98
10. Audiological Services 98
11. Guide Services 98
12. Interpreter Services 99
13. Occupational Therapy Services 99
14. Orientation and Mobility Services 99
15. Physical Therapy Services 99
16. Reader Services 99
17. School Psychological Services 99
18. Speech and Language Services 99
19. Supervisory Services 100
20. Vocational Special Education Coordinator Services 100
21. Work-Study Services 100

3301-51-10 TRANSPORTATION OF HANDICAPPED CHILDREN 101

3301-51-14 TRANSPORTATION OF EDUCABLE MENTALLY RETARDED CHILDREN 103

3301-51-20 STANDARDS FOR ADMISSION, TRANSFER, SUSPENSION AND EXPULSION — THE OHIO STATE SCHOOL FOR THE BLIND AND THE OHIO SCHOOL FOR THE DEAF 107

3301-51-01 DEFINITIONS.

THE FOLLOWING TERMS ARE DEFINED AS THEY ARE USED IN THESE RULES.

A. *"ADAPTIVE BEHAVIOR"* means the effectiveness with which the individual copes with the natural and social demands of his or her environment. It has two major facets:

1. The degree to which the individual is able to function and maintain himself or herself independently, and
2. The degree to which he or she meets satisfactorily the culturally imposed demands of personal and social responsibilities.

B. *"AGE"* means chronological age.

C. *"ANNUAL GOAL"* means expected behavior to be achieved through the implementation of the child's individualized education program. These goals must meet the unique needs of each handicapped child as determined by appropriate evaluation techniques and/or instrumentation.

D. *"AT NO COST"* means that all specially designed instruction is provided without charge, but does not preclude incidental fees which are normally charged nonhandicapped pupils as a part of the regular education program.

E. *"AWARENESS ACTIVITIES"* means those procedures designed to inform the school community and the general public of the school district's current efforts to identify handicapped children who may need special education programs and/or related services.

F. *"CHILD INFORMATION MANAGEMENT SYSTEM"* (CIMS) means a written set of procedures utilized in the identification, evaluation, individualized education program, placement, and periodic review processes to provide for systematic data collection, classification, maintenance, updating and reporting and which assists in making appropriate educational program decisions for handicapped children who may need special education programs and/or related services.

G. *"CONSENT"* means that:

1. The parent has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought;
2. The parent agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and lists the records, if any, which will be released and to whom; and
3. The parent is informed in writing that the granting of consent is voluntary on the part of the parent and may be revoked by the parent at any time.

H. *"CONTINUUM OF ALTERNATIVE PLACEMENTS"* means the availability of different types of educational environments, including, but not limited to:

1. Regular classes;
2. Supplemental services;
3. Individual/small group instruction;
4. Special class/learning center located in:
   a. A public school building;
   b. A separate school in the school district;
   c. A separate facility, such as:
      (i) A county board of mental retardation and developmental disabilities facility;
      (ii) The Ohio State School for the Blind or the Ohio School for the Deaf; or
      (iii) A state institution operated by the Ohio Department of Mental Health, the Ohio Department of Mental Retardation and Developmental Disabilities, or the Ohio Youth Commission; or
5. Home instruction.

I. *"COUNSELING SERVICES"* means services provided by school psychologists, guidance counselors, or other qualified personnel.

J. *"DAYS"* means calendar days.

K. *"DEAF"* means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

L. *"DEAF-BLIND"* means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.

M. *"DESTRUCTION"* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

N. *"DEVELOPMENTALLY HANDICAPPED"* (mentally retarded) means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior manifested during the developmental period, which adversely affects a child's educational performance.

O. *"DIFFERENTIATED REFERRAL SYSTEM"* means a referral procedure that specifies type, extensiveness and priorities of evaluation and/or consultation services.

P. *"DUE PROCESS"* means the safeguards to which a person is entitled in order to protect his or her rights.

Q. *"EARLY CHILDHOOD EDUCATION FOR THE HANDICAPPED"* means special education programs and related services for children below five years of age.

R. *"EDUCATION RECORDS"* means those records which are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. The term does not include those records which are excluded under 34 Code of Federal Regulations (CFR) Reg. 99.3.

S. *"EVALUATION"* means procedures used to determine the child's current level of functioning.

T. *"FREE APPROPRIATE PUBLIC EDUCATION"* means special education and related services which:

1. Are provided at public expense, under public supervision and direction, and without charge;
2. Meet rules for special education adopted by the State Board of Education;
3. Includes elementary education, secondary education, and may include early childhood education;
4. Are provided in conformity with an individualized education program;
5. Are provided in conformity with the following:
   a. School districts are responsible for the identification and multifactored evaluation of all handicapped children below twenty-two years of age.
   b. Each school district shall provide a free and appropriate education to all handicapped children, five through twenty-one years of age, unless the child has completed the twelfth grade and has been issued a diploma.
   c. School districts may provide educational programs for handicapped children three and four years of age. If a program is provided for more than fifty per cent of the children in this age range within one classification of handicapping condition, the program must be offered to all children with such handicap.
   d. School districts may provide diagnostic services for handicapped children below three years of age and counseling to the parent.

U. *"HANDICAPPED CHILD"* means a person below twenty-two years of age who has one or more handicaps as defined in paragraphs K., L., N., V., DD., GG., II., AAA., FFF., GGG., and KKK. of this rule.

V. *"HARD OF HEARING"* means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of deaf as defined in paragraph K. of this rule.

W. *"IDENTIFICATION"* means those activities designed to locate handicapped children or children suspected of being handicapped.

X. *"IN-SCHOOL"* means the child is enrolled in and attends a public or a nonpublic school, receives home instruction, or has been placed in an educational program administered by an other educational agency for the purpose of receiving a special education and related services.

Y. *"INDIVIDUALIZED EDUCATION PROGRAM"* (IEP) means a written statement for a handicapped child that is developed and implemented in accordance with paragraph E. of rule 3301-51-02, of the Administrative Code.

Z. *"IEP CONFERENCE"* means a meeting of appropriate persons in order to:

1. Review the multifactored evaluation team report;
2. Determine the nature and degree of special education intervention needed, if any;
3. Develop an IEP for a child determined to be in need of special education in accordance with all requirements of paragraph E. of rule 3301-51-02 of the Administrative Code; and
4. Determine educational placement in the least restrictive environment in accordance with the IEP.

AA. *"LEAST RESTRICTIVE ENVIRONMENT"* means that, to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

BB. *"MEDICAL SERVICES"* means those diagnostic and evaluation services that are required for initial or continued placement in an appropriate special education program or for provision of related special education services.

CC. *"MULTIFACTORED EVALUATION"* means an evaluation, conducted by a multidisciplinary team, of more than one area of a child's functioning so that no single procedure shall be the sole criterion for determining an appropriate educational program placement. This process shall be designed to assure that children are not misclassified or unnecessarily labeled as

being handicapped because of inappropriate selection, administration, or interpretation of evaluation materials and shall be implemented in accordance with paragraph D. of rule 3301-51-02 of the Administrative Code.

DD. *"MULTIHANDICAPPED"* means such a severe impairment, and/or such concomitant impairments, that the child's educational problems make it impossible to accommodate the needs of the child in any program but a program for multihandicapped children. (This definition may include deaf-blind; autistic; and moderately, severely or profoundly developmentally handicapped children.)

EE. *"NATIVE LANGUAGE"* means the language normally used by a person, or in the case of a child, the language normally used by the parent of the child.

FF. *"NOTICE"* or *"NOTIFICATION"* means a statement written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, steps shall be taken to insure that:

1. The notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
2. The parent understands the content of the notice; and
3. There is written evidence that the requirements in paragraphs FF. 1. and FF. 2. of this rule have been met.

GG. *"ORTHOPEDICALLY HANDICAPPED"* means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, spina bifida, absence of some member), impairments caused by disease (e.g., poliomyelitis, muscular dystrophy, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

HH. *"OTHER EDUCATIONAL AGENCY"* means a department; division; bureau; office; institution; board; commission; committee; authority; state residential schools; other state or local

agency; or an agency administered by the Ohio Department of Mental Health, the Ohio Department of Mental Retardation and Developmental Disabilities, or the Ohio Youth Commission, other than a school district, that provides or seeks to provide special education and related services to handicapped children.

II. *"OTHER HEALTH IMPAIRED"* means limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

JJ. *"OUT-OF-SCHOOL"* means that the child is neither enrolled in nor attends a public or a nonpublic school, nor receives home instruction, nor has been placed in an educational program administered by an other educational agency for the purpose of receiving a special education and related services.

KK. *"PARENT"* means either parent. If the parents are separated or divorced, "parent" means the parent with legal custody of the handicapped child. "Parent" also includes a child's guardian, custodian, or parent surrogate. At age eighteen, the child may act in his or her own behalf. This term does not include the state if the child is a ward of the state.

LL. *"PARENT COUNSELING AND TRAINING"* means procedures utilized to assist the parent in understanding the special needs of the child and to provide the parent with information about child development and the educational implications of the handicapping condition.

MM. *"PERIODIC REVIEW"* means those activities involved in reviewing each child's IEP and, if appropriate, revising its provisions. A meeting must be held for this purpose at least once a year.

NN. *"PERSONALLY IDENTIFIABLE DATA"* includes:

1. The name of the child, the child's parent, or other family member;
2. The address of the child;
3. A personal identifier, such as the child's date of birth, social security number or student number; and

4. A list of personal characteristics or other information which would make it possible to identify the child with reasonable certainty.

OO. *"PHYSICAL EDUCATION"* means regular physical education or, adapted physical education.

PP. *"POLICY"* means a written statement which identifies a plan or course of action and is adopted by a board of education.

QQ. *"PROCEDURES"* means a written statement identifying the persons responsible for conducting the activities, a listing of the activities to be conducted, and the schedule identifying when the activities will be accomplished.

RR. *"QUALIFIED"* means a person holding an appropriate state certificate or license which applies to the area in which he or she is providing special education and/or related services.

SS. *"REEVALUATION"* means a multifactored evaluation conducted after initial placement in a program for special education. This reevaluation must be conducted every three years or more frequently if conditions warrant or if the child's parent or teacher requests a reevaluation. Parental consent is not necessary as a condition of reevaluation, providing consent for evaluation has not been revoked.

TT. *"REFERRAL"* means the established process whereby the names of children suspected of having a handicapping condition that may require special education and related services are forwarded to a designated person, in writing, for a multifactored and multidisciplinary evaluation.

UU. *"RELATED SERVICES"* means transportation and such developmental, corrective and other support services as are required to assist a handicapped child to benefit from special education and includes those services described in rule 3301-51-05 of the Administrative Code.

VV. *"SCHOOL DISTRICT"* means a city, county, exempted village, joint vocational, or local school district.

WW. *"SCHOOL DISTRICT OF RESIDENCE"* means:

1. The school district in which the child's parent resides, whether in a public or private dwelling or institution, or if not so determined;

2. The last school district in Ohio in which the child's parent is known to have resided if the parent's whereabouts are unknown, or if not so determined;
3. The school district in which the child's parent resided when the child's placement in a program of special education was made, or if not so determined;
4. The school district as determined by the probate court of the county from which admission or placement was made.

XX. *"SCHOOL HEALTH SERVICES"* means services provided by a qualified school nurse or other qualified persons.

YY. *"SCREENING"* means a testing procedure whereby a general population is divided into two groups based on the results of the testing procedure. The persons in one subgroup meet the established screening criteria, and the persons in the other subgroup fail to meet the established screening criteria and require further evaluation. Parental consent is not required for screening procedures.

ZZ. *"SERVED"* means that a handicapped child is provided special education in accordance with his or her IEP.

AAA. *"SEVERE BEHAVIOR HANDICAPPED"* is defined as follows:

1. The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:
   a. An inability to learn, which cannot be explained by intellectual, sensory or health factors;
   b. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
   c. Inappropriate types of behavior or feelings under normal circumstances;
   d. A general pervasive mood of unhappiness or depression; or
   e. A tendency to develop physical symptoms or fears associated with personal or school problems.
2. The term does not include children who are socially maladjusted, unless it is determined that they are severe behavior handicapped.

BBB. *"SHORT TERM INSTRUCTIONAL OBJECTIVES"* means the intermediate steps leading to the accomplishment of the stated annual goals.

CCC. *"SIGNIFICANT SUBAVERAGE GENERAL INTELLECTUAL FUNCTIONING"* means an intelligence quotient of eighty or below as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration.

DDD. *"SPECIAL EDUCATION"* means specially designed instruction, at no cost to the parent, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. The term includes speech and language services or any other related service, if the services consist of specially designed instruction, at no cost to the parent, to meet the unique needs of a handicapped child, and is considered "special education" rather than a "related service" as defined in paragraph UU. of this rule. The term also includes vocational education if it consists of specially designed instruction, at no cost to the parent, to meet the unique needs of a handicapped child.

EEE. *"SPECIAL TRANSPORTATION"* means those transportation services which are required because of the child's special characteristics or the location of the special education program and related services and which are in addition to the regular transportation services provided by the school district. The term includes:

1. Travel to and from school and between schools;
2. Travel in and around school buildings; and
3. Specialized equipment (such as special or adapted buses, lifts and ramps), if required to provide special transportation for a handicapped child.

FFF. *"SPECIFIC LEARNING DISABILITY"* means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps,

brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantage.

GGG. *"SPEECH HANDICAPPED"* means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance.

HHH. *"SUPERINTENDENT"* means the administrative head of the school district in which the child's parent resides, or his or her designated representative, unless otherwise indicated.

III. *"TEACHER"* for the purpose of IEP meetings means:

1. The child's special education teacher for a child receiving special education; or
2. The speech-language pathologist for a child receiving speech and language services only; or
3. The child's regular teacher or a teacher qualified to provide education in the type of program in which the child may be placed for a child being considered for placement in special education; or
4. The teacher designated by the school district or other educational agency for a child who is not in school or has more than one teacher.

JJJ. *"UNSERVED"* means that a handicapped child is not provided an education in accordance with his or her IEP.

KKK. *"VISUALLY HANDICAPPED"* means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

LLL. *"VOCATIONAL EDUCATION"* means organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

3301-51-02 PROCEDURAL SAFEGUARDS FOR SPECIAL EDUCATION.

A. IDENTIFICATION OF HANDICAPPED CHILDREN

1. General

a. Each school district shall establish and implement written procedures which insure that all children below twenty-two years of age residing within the district who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services, are identified, located and evaluated.

b. In the implementation of these rules, school districts shall consult with county boards of mental retardation and developmental disabilities, county boards of mental health, other educational agencies, and other agencies having information concerning handicapped children.

c. Each school district shall make available to the general public written procedures for the identification of handicapped children and the operation of a child information management system.

2. In-School Child Identification—School District and State Institution Responsibilities

a. Each school district shall be responsible for planning and implementing an ongoing system for the identification of all in-school handicapped children residing within the district who may be in need of special education and related services as well as those children currently receiving such programs and services in that school district, another school district, or other educational agency.

b. Each state institution operated under the Ohio Department of Mental Health, the Ohio Department of Mental Retardation and Developmental Disabilities, and the Ohio Youth Commission shall be responsible for planning and implementing an ongoing system for the identification of all handicapped children under its care who may be in need of special education and related services as well as those children currently receiving such programs and services.

c. The in-school child identification system shall provide for the utilization of information within existing school records.

d. The system shall include written referral procedures for the purpose of obtaining appropriate multifactored evaluations.

e. The superintendent of the school district or state institution, or the superintendent's designated representative, shall be responsible for planning, implementing and coordinating the in-school child identification system.

f. School districts and other agencies may choose to cooperate with other school districts in planning and/or implementing in-school child identification procedures.

g. The system shall include procedures for creating awareness of the in-school child identification efforts

h. Each school district shall be responsible for reporting a summary of the child data from the in-school child identification system to the Ohio Department of Education on prescribed forms and in the prescribed manner.

i. The Ohio Department of Mental Health, the Ohio Department of Mental Retardation and Developmental Disabilities, and the Ohio Youth Commission shall be responsible for collecting child data from the respective state institutions and for reporting such data to the Ohio Department of Education on prescribed forms and in the prescribed manner.

3. Out-of-School Child Identification

a. School district responsibilities for an ongoing identification system

(i) Each school district shall be responsible for planning and implementing an ongoing system for the identification of all out-of-school handicapped children under twenty-two years of age who reside within the school district and who may be in need of a special education program and related services as well as those handicapped children currently not in public school but being served by private or other nonpublic agencies.

(ii) The system shall include the major features described in paragraphs A. 3. c. and A. 4. of this rule, i.e., public notice, awareness, data collection, and data reporting.

(iii) The school district may choose to cooperate with other school districts and other agencies in planning and/or implementing out-of-school child identification procedures.

(iv) The superintendent of the school district, or the superintendent's designated representative, shall be respon-

sible for planning, implementing and coordinating the out-of-school child identification system.

(v) The system shall include forms and/or mechanisms and procedures for the ongoing referral of handicapped children to the school district by any person or agency who may have information regarding handicapped children.

(vi) All persons involved in the collection of data shall have received prior training and written information regarding the procedures to be followed in collecting the data.

(vii) If the district should choose to conduct a door-to-door census, all census takers shall have proper credentials that clearly identify themselves as census takers representing the school district.

b. School district responsibilities for awareness campaign

(i) Beginning with the first day of school in January, 1984, and every third year thereafter, each school district shall initiate an intensive awareness campaign as part of their out-of-school child identification system.

(ii) Each school district shall document that an attempt was made to contact every household within the school district at least once during the campaign by mail, telephone, household visit, or other appropriate contact.

c. The intensive awareness campaign shall include the following:

(i) Notice which is adequate to inform the public of activities to identify handicapped children including:

(a) Purpose of the identification activities and a description of the children on whom data will be maintained;

(b) Types of data sought, methods and sources to be used in gathering data, and the uses to be made of the data;

(c) A summary of the policies and procedures to be followed regarding storage, disclosure, retention, and destruction of all personally identifiable data;

(d) A description of the rights of parents and children regarding this data;

(e) The notice shall:

(i) Be published in newspapers having significant circulation within the school districts and geographic area covered by the identification activities; and

(ii) Be given in the native languages of the various population groups within the school district.

(ii) Public awareness which includes procedures that each school district, individually or in cooperation with other school districts and other agencies, shall use in conducting a public awareness effort to inform the population of the purposes of the child identification activities and to urge their cooperation. This effort shall include each of the following elements of information dissemination:

(a) Use of mass media such as television, radio and newspapers;

(b) Use of oral presentations to local organizations and agencies concerned with services to handicapped children; and

(c) Use of printed materials such as posters, fliers, brochures, and newsletters distributed to households within the district and for display in local business establishments.

4. Child Information Management System—School District and State Institution Responsibilities

a. The written child information management system procedures shall be implemented to assure a practical method of identifying which children are currently receiving special education and related services and which children are not currently receiving special education and related services.

b. The child information management system procedures shall be designed to record data on each child and shall include at least the following types of data:

(i) Child's name, address and birthdate;

(ii) Child's parent's name and address;

(iii) Child's suspected handicaps;

(iv) Dates of referral, multifactored evaluation, IEP conference, actual placement, and periodic program reviews; and

(v) Physical location of where the child is currently receiving the educational program.

c. The data shall be organized so that it can readily be determined whether the child is receiving an appropriate public education, a partial education, or no education at all.

d. If the child is not receiving an appropriate public education, the reasons why shall be recorded.

e. Data regarding each child with a suspected or confirmed handicap shall be obtained in accordance with the following:

(i) Requirements for confidentiality of data shall be followed in the collection, retention, use and destruction of this data as outlined in paragraph B. of this rule.

(ii) The superintendent of the school district or state institution, or the superintendent's designated representative, shall be responsible for the collection and reporting of data.

(iii) The school district shall assure confidentiality and security of child data.

f. Data reporting

The reporting of child data shall be conducted in accordance with the following policies and procedures:

(i) Each school district shall prepare a summary report of child data on forms provided by the Ohio Department of Education. Such summary reports shall be on file within the school district and shall be open to the public for inspection upon request.

(ii) A summary of the child data shall be submitted by each school district to the Ohio Department of Education on prescribed forms and in the prescribed manner.

(iii) Child data from state institutions operated under the Ohio Department of Mental Health, Ohio Department of Mental Retardation and Developmental Disabilities, and the Ohio Youth Commission shall be reported by these agencies directly to the Ohio Department of Education on prescribed forms and in the prescribed manner.

B. CONFIDENTIALITY

1. Access Rights

a. Each school district and other educational agency shall develop and implement written procedures which permit

the parent to inspect and review any educational records relating to his or her child, which are collected, maintained or used by the school district or other educational agency under this rule. The school district or other educational agency shall comply with the parent's request without unnecessary delay and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation or placement of the child and, in no case, more than forty-five days after the request has been made.

b. The school district or other educational agency may presume that the parent has authority to inspect and review records relating to his or her child unless the school district or other educational agency has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation and divorce.

c. The school district or other educational agency may charge a fee for copies of records which are made for the parent under this rule if the fee does not effectively prevent the parent from exercising the right to inspect and review those records.

d. The school district or other educational agency may not charge a fee to search for or to retrieve information under this rule.

2. Record Access

a. Each school district and other educational agency shall develop a list of the types and locations of education records collected, maintained or used by them and shall provide this list to parents on request.

b. Each school district and other educational agency shall develop and implement written procedures to keep a record of parties obtaining access to educational records collected, maintained or used (except access by parents and authorized employees of the school district or other educational agency) including:

(i) Name of the party,

(ii) Date access was given, and

(iii) Purpose for which the party is authorized to use the data.

c. If any education record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.

3. Amendment of Records At Parent's Request

a. Each school district and other educational agency shall develop and implement written procedures so that a parent, who believes that information in education records collected, maintained or used under this part is inaccurate or misleading or violates the privacy or other rights of the child, may request the school district or other educational agency which maintains the information to amend the information.

b. The school district or other educational agency shall decide whether or not to amend the information in accordance with the request within a reasonable period of time after receipt of the request.

c. Each school district and other educational agency shall develop and implement written procedures so that if either decides to refuse to amend the information in accordance with the request, it shall inform the parent of the refusal and advise the parent of the right to a records hearing to challenge information in education records to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

d. Each school district and other educational agency shall develop and implement written procedures regarding the records hearing which shall include at least the following elements:

(i) The records hearing shall be held within a reasonable period of time after the school district or other educational agency has received the request, and the parent shall be given notice of the date, place and time reasonably in advance of the hearing.

(ii) The records hearing may be conducted by any party, including an official of the school district or other educational agency, who does not have a direct interest in the outcome of the hearing.

(iii) The parent shall be afforded a full and fair opportunity to present evidence relevant to the issues and may be assisted or represented by individuals of his or her

choice at his or her own expense, including an attorney.

(iv) The school district or other educational agency shall make its decision in writing within a reasonable period of time after the conclusion of the hearing.

(v) The decision of the school district or other educational agency shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

4. Result of Records Hearing

Each school district and other educational agency shall develop and implement written procedures regarding the results of the records hearing. The procedures shall include the following:

a. If, as a result of the records hearing, the school district or other educational agency decides that this information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing.

b. If, as a result of the records hearing, the school district or other educational agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the school district or other educational agency.

c. Any explanation placed in the records of the child under this paragraph shall be maintained by the school district or other educational agency as part of the records of the child as long as the record or contested portion is maintained. If the records of the child, or the contested portion, are disclosed to any party, the explanation must also be disclosed to the party.

5. Safeguards

Each participating school district and other educational agency shall have written policies and procedures to protect the confidentiality of personally identifiable data at collection, storage, disclosure and destruction stages. These procedures must include the following provisions:

a. All school district or other educational agency personnel collecting, maintaining, using or otherwise having access to personally identifiable data shall be informed of the confidentiality policies and procedures of the school district or other educational agency.

b. One administrator shall be assigned the responsibility for assuring the confidentiality of any personally identifiable data.

c. The agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the school district or other educational agency who may have access to the personally identifiable data.

6. Prior Consent for Disclosure

a. Each school district and other educational agency shall have written policies and procedures for disclosing personally identifiable information from the education records of a student without the written consent of the parent if the disclosure is:

(i) To other officials, including teachers, within the school district or other educational agency who have been determined by the school district or other educational agency to have a legitimate educational interest;

(ii) To officials of another school, school district, or other educational agency in which the student seeks or intends to enroll:

(a) When the transfer of records is initiated by the parent at the sending school district or other educational agency,

(b) When the school district or other educational agency includes a notice in its policies and procedures that it forwards education records on request to a school district or other educational agency in which a student seeks or intends to enroll, or

(c) After a reasonable attempt to notify the parent, at the parent's last known address, that the transfer of records has been made;

(iii) To federal and state officials in connection with the audit and evaluation of federally supported education programs, or in connection with the enforcement of or

compliance with the federal legal requirements which relate to these programs;

(iv) In connection with financial aid for which a student has applied or which a student has received, provided that personally identifiable information from the education records of the student may be disclosed only as may be necessary for such purposes as:

(a) To determine the eligibility of the student for financial aid,

(b) To determine the amount of the financial aid,

(c) To determine the conditions which will be imposed regarding the financial aid, or

(d) To enforce the terms or conditions of the financial aid; or

(v) To others when specified, but limited to those outlined in 34 CFR Reg. 99.3.

b. Each school district and other educational agency shall develop and implement written procedures for obtaining written consent of the parent before disclosing personally identifiable information from the education records of a student, other than directory information, except as provided in paragraph B. 6. a. of this rule. The written consent required by this paragraph must be signed and dated by the parent giving the consent and shall include:

(i) A specification of the records to be disclosed,

(ii) The purpose or purposes of the disclosure, and

(iii) The party or class of parties to whom the disclosure may be made.

c. When a disclosure is made pursuant to paragraph B. 6. a. of this rule, the school district or other educational agency shall, upon request, provide a copy of the record which is disclosed to the parent and to the student, if so requested by the student's parent.

7. Destruction of Information

Each school district and other educational agency shall develop and implement written procedures which provide that:

a. The school district or other educational agency shall inform the parent when personally identifiable information collected, maintained or used under this paragraph is no longer needed to provide educational services to the child.

b. The personally identifiable information on a handicapped child may be retained permanently unless the parent requests that it be destroyed. The school district and other educational agency should remind them that the records may be needed by the child or the parent for social security benefits or other purposes.

c. The information shall be destroyed at the request of the parent. However, a permanent record of a student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

C. PREEVALUATION ACTIVITIES

1. Each school district shall develop and implement written procedures which provide written notice of procedural safeguards to the parent of a suspected handicapped or handicapped child:
   a. Within thirty days of the date of referral, or
   b. Within a reasonable time before the school district:
      (i) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child, or
      (ii) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.
2. This notice must be provided in language understandable to the general public and in the native language of the parent or other mode of communication used by the parent, unless it is clearly not possible to do so.
3. If the native language or other mode of communication of the parent is not a written language, the school district shall take steps to insure:
   a. That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, and
   b. That there is written documentation of reasonable attempts to explain this information so that the parent understands the content of the notice.

4. The written notice of procedural safeguards shall include, but not necessarily be limited to:

   a. Information regarding the accessibility, upon request, of the following items:

      (i) The rules for special education adopted by the State Board of Education, and

      (ii) The school district's comprehensive plan for special education including a written description of special education programs and related services available within the school district;

   b. The district's written criteria for placement into special education programs;

   c. The school district's policies on confidentiality including the parent's right to access personally identifiable or other pertinent data concerning the evaluation and placement of the child. This prior notice shall indicate to the parent that:

      (i) The parent's written consent will be obtained before personally identifiable data is disclosed to anyone other than authorized officials, except as provided in state and federal law, or used for any purpose other than making educational decisions regarding identification of the child;

      (ii) The parent and the parent's designated representative have the right to inspect and review any personally identifiable data which is collected, maintained or used by the agency in making educational decisions regarding the child or children;

      (iii) The parent has the right to a response from the agency to requests for explanation and interpretation of the data; and

      (iv) The parent has the right to request that the agency provide copies of the records containing data regarding the child, where failure to provide such records would effectively prevent the parent from exercising the right to inspect and review the data.

   d. Notification of due process rights including:

      (i) The right to have a conference (or to communicate in other ways) with any person participating in educational decisions during the evaluation, placement, and/or periodic review process;

(ii) The right to present complaints with respect to the evaluation or educational placement of the child, or the provision of special education, to the superintendent of the school district in which the child resides;

(iii) The right to a due process hearing conducted by an impartial hearing officer including:

(a) The right to be accompanied and advised by counsel and by individuals with special knowledge of, or training in, the problems of handicapped children;

(b) The right to present evidence and confront, cross-examine and compel the attendance of witnesses;

(c) The right to a written or electronic verbatim record of such hearing; and

(d) The right to written findings of facts and decisions.

(iv) The procedures that the parent should follow to initiate any of these activities.

e. A description of the proposed evaluation process including:

(i) A description of each evaluation procedure, test, record or report the school district or other educational agency uses as a basis for the proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education;

(ii) A description of any other factors which are relevant to the proposal or refusal of the school district or other educational agency;

(iii) A statement which provides for an independent educational evaluation at no cost to the parent if the parent disagrees with the evaluations provided by the school;

(iv) A statement that the school district may initiate a hearing under paragraph G. of this rule to show that its evaluation is appropriate;

(v) A statement that, if the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense;

(vi) A statement that the school district shall provide to the parent, upon request, information about where an independent educational evaluation may be obtained;

(vii) A statement that information obtained from an independent educational evaluation provided by the parent

at private expense shall be considered by the school district in any decision made with respect to the provision of a free appropriate public education to the child;

(viii) A statement that, whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the school district uses when it initiates an evaluation; and

(ix) A declaration that the child's educational status will not be changed without prior notice to the parent.

5. Each school district shall develop and implement written procedures which require that written parental consent be obtained prior to:

   a. Conducting the evaluation for the initial placement of a handicapped child or a child suspected of being handicapped, and

   b. Initial placement of a handicapped child in a program providing special education and related services.

6. If parental consent is not obtained for conducting the evaluation for initial placement or for initial placement, the school district may initiate an impartial due process hearing to determine if the child may be evaluated or placed.

D. MULTIFACTORED EVALUATION ACTIVITIES

1. Each school district shall develop and implement written procedures which require that a multifactored evaluation of any child suspected of being handicapped be conducted by a multidisciplinary group of qualified professionals. The procedures shall provide for the designation of an evaluation team and a team chairperson for each child to be evaluated. The team chairperson will be responsible for preparing a written report which summarizes and interprets the results of the multifactored evaluation for the IEP conference.

2. Each school district shall develop and implement written procedures which require descriptive evaluation data in all areas related to the suspected disability including, where appropriate, health, vision, hearing, social and emotional status, adaptive behavior, vocational/occupational needs, general in-

telligence, academic performance, communicative status, and motor abilities.

3. The evaluation shall include current data required by each special education program's eligibility rules. This evaluation must have been conducted no more than one year prior to the IEP conference.

4. Each school district shall develop and implement written procedures to assure that the school district of residence shall consult with the proposed school district of placement, or other educational agency, when it is suspected that the school district of residence will require the special education services of another school district or other educational agency to serve a child. This consultation shall occur as early as possible in the referral and multifactored evaluation processes and prior to the IEP conference.

5. Each school district shall develop and implement written procedures to insure that any evaluation conducted with children who are suspected of being handicapped include:

   a. An evaluation designed to insure that children are not labeled as being handicapped because of inappropriate selection, administration or interpretation of evaluation materials;

   b. The use of evaluation instruments which:

      (i) Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;

      (ii) Have been validated for the specific purpose for which they are used; and

      (iii) Are administered by trained personnel in conformance with the instructions provided by their producer.

   c. Tests are selected and administered so as to best insure that when a test is administered to a child with impaired sensory, manual or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills except where those skills are factors which the test purports to measure.

6. Each school district shall develop and implement written procedures to assure that a reevaluation of handicapped children

is conducted at least once every three years, or more frequently if conditions warrant, or if the child's parent or teacher requests a reevaluation.

E. IEP ACTIVITIES

1. Each school district shall develop and implement written procedures which require that the decision to place a child into a special education program is made by a group of persons. Such persons must be knowledgeable about the child, the meaning of the evaluation data, and the placement options. These procedures shall insure that:

   a. The participants of the IEP conference shall include the following, one of whom shall be designated as chairperson:

      (i) A person, other than the child's teacher, who is a representative of the school district and who is qualified to provide, or supervise the provision of, special education;

      (ii) The child's teacher;

      (iii) One or both of the child's parents, subject to paragraph E. 2. of this rule;

      (iv) The child, where appropriate; and

      (v) Other individuals at the discretion of the parent or agency.

   b. For a child who has been evaluated initially, the school district shall insure:

      (i) That a member of the evaluation team participated in the meeting; or

      (ii) That the representative of the school district, the child's teacher, or some other person who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation, is present at the meeting;

   c. IEP conferences shall be held as soon as possible, and in any event not more than ninety days after parental consent for multifactored evaluation has been received, or within one hundred twenty days after the initial referral as a suspected handicapped child, whichever comes first, except where a greater time span is mutually agreed to in writing by the parent and school district.

d. The IEP conference participants shall:
   (i) Review the multifactored evaluation team report;
   (ii) Determine the nature and degree of special education intervention needed, if any;
   (iii) Develop an individualized education program for a child determined to be in need of special education in accordance with all requirements of paragraph E. of this rule; and
   (iv) Determine educational placement in the least restrictive environment in accordance with the IEP.

e. The IEP conference for initial placement must be held within thirty days of a determination that the child needs special education and related services.

2. Each school district shall develop and implement written procedures to insure that:

   a. One or both parents of the handicapped child are present at the IEP conference or are afforded the opportunity to participate including:
      (i) Informing the parent of the conference early enough to insure that they will have an opportunity to attend;
      (ii) Scheduling the conference at a mutually agreed upon time and place; and
      (iii) Informing the parent of the purpose, time and location of the conference and who will be in attendance;

   b. When the school district is unable to convince the parent to attend, detailed records of all attempts to arrange a mutually agreed upon time and place or a signed waiver of the parent's right to participate must be maintained on file. Records of attempts to contact the parent might include:
      (i) Detailed records of telephone calls made or attempted and the results of those calls,
      (ii) Copies of correspondence sent to the parent and any responses received, and
      (iii) Detailed records of visits made to the parent's home or place of employment and the results of those visits;

   c. Parent participation through the use of other methods such as individual or conference telephone calls will be attempted when neither parent can attend the IEP conference; and

d. The parent understands the proceedings at the conference including arranging for an interpreter for parents who are deaf or whose native language is other than English.

3. If the school district complies with paragraph E. 2. b. of this rule, it may proceed to conduct an IEP conference without the parent in attendance.

4. Each school district shall develop and implement written procedures which insure that:

   a. To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped;

   b. Special classes, separate schooling, or other removal of handicapped children from the regular education environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily;

   c. When providing the least restrictive environment for a handdicapped child, which may include full- or part-time placement in a regular class, it is the responsibility of an agency representative such as the building principal or some other person designated by the superintendent to coordinate the planning between the special education and regular education teachers and to supervise the implementation;

   d. The maintaining of a handicapped child in a regular class for either full- or part-time must be based on a determination that the child's educational needs can be met in the regular instructional program in accordance with the child's IEP;

   e. Regular education personnel are required to provide handicapped children with those modifications provided to nonhandicapped children;

   f. A continuum of alternative placements is available in order to meet the special education and related needs of handicapped children and must include, but not necessarily be limited to, the alternative placements and related services described in rules 3301-51-03, 3301-51-04, and 3301-51-05 of the Administrative Code;

g. Each handicapped child's educational placement:
   (i) Is determined at least annually,
   (ii) Is based on his or her individualized education program, and
   (iii) Is as close as possible to the child's home;

h. Various alternative placements included under rules 3301-51-04 of the Administrative Code are available to the extent necessary to implement the individualized education program for each handicapped child;

i. Handicapped children are afforded an equal opportunity for participation in nonacademic and extracurricular activities and services;

j. In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the public agency and assistance in making outside employment available, each school district must insure that each handicapped child participates with nonhandicapped children in those services and activities to the maximum extent appropriate to the needs of that child;

k. Regular physical education or adapted physical education is made available to all handicapped children;

l. Each handicapped child is afforded the opportunity to participate in the regular physical education program available to nonhandicapped children unless:
   (i) The child is enrolled full-time in a separate facility, or
   (ii) The child needs specially designed instruction as prescribed in the child's individualized education program;

m. Handicapped children have available to them the variety of educational programs and services available to nonhandicapped children in the area served by the agency, including art, music, industrial arts, consumer and homemaking education, and vocational education;

n. Unless a handicapped child's IEP requires some other arrangement, the child is educated in the school which he

or she would attend if not handicapped; and

o. In selecting the least restrictive environment, consideration is given to any potential harmful effect on the child or on the quality of services which he or she needs.

5. Each school district shall develop and implement written procedures which require written parental consent to be obtained for initial placement into special education programs and related services.

6. Each school district shall develop and implement written procedures for notifying parents by certified mail of proposed change or refusal to change the placement of their child unless a signed waiver of the parent's right to notification by certified mail and their written consent for placement is obtained and maintained on file.

7. Each school district shall adopt and utilize IEP forms.

   a. These IEP forms shall provide:

      (i) A statement of the present levels of educational performance of the child;

      (ii) A statement of annual goals, including short-term instructional objectives;

      (iii) A statement of the specific special education and all related services to be provided to the child, and the extent to which the child will be able to participate in regular education programs;

      (iv) The projected date for initiation and anticipated duration of such services; and

      (v) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether short term instructional objectives are being achieved and whether current placement is appropriate.

   b. The IEP forms should also provide:

      (i) The child's name and birthdate;

      (ii) The child's handicapping conditions;

      (iii) The child's educational placement;

      (iv) The physical location of the child's special education program and related services;

      (v) The names and titles of persons participating in the conference and the date of the conference in which

the IEP is developed;

(vi) The parent's waiver of his or her right to notification of placement by certified mail; and

(vii) The parent's consent for placement in the recommended special education program and for the provision of any related services.

8. Each school district shall develop and implement written procedures which require that the IEP be completed in its entirety prior to the initiation of any special education program and related services. The IEP must be implemented as written without undue delay.

9. Each school district shall develop and implement written procedures which require a copy of the child's IEP be provided to the child's parent within thirty days after the IEP conference.

10. Each school district shall develop and implement written procedures which require that a copy of the IEP for each handicapped child being served is on file in the district and is readily available to the teacher.

11. When a school district of residence places a handicapped child in a special education program in another school district or educational agency, the school district of residence must follow the same procedural safeguards as for all handicapped children and have on file a copy of the current multifactored evaluation team report and IEP.

12. Each school district shall develop and implement written procedures for conducting at least one IEP conference each calendar year to review and revise, if appropriate, the child's IEP. This conference shall be held in accordance with paragraphs E. 1. a. and E. 2. a. to E. 2. d. of this rule.

13. Each school district shall assure that all special education programs and related services for handicapped children identified on the IEP in accordance with rules 3301-51-01 to 3301-51-06 of the Administrative Code are provided.

F. PARENT SURROGATE

Each school district shall develop and implement written procedures to protect the rights of the child when the parents of the child are unknown or unavailable, or when the child is a ward of the state. These procedures shall provide for the following items:

1. When written permission is not forthcoming from the child's parent or legal guardian to begin any of the evaluation processes, reasonable inquiry including, but not necessarily limited to, a written inquiry shall be sent to the adult in charge of the child's place of residence, as well as to the parent or legal guardian at the last known address. If these efforts determine that the child is without a parent or guardian, or if it is otherwise known that they are unavailable, the superintendent or the superintendent's designated representative shall, within thirty days, utilize all available information to determine if the child is in need of a surrogate and shall assign one if such study so indicates.
2. The parent surrogate will be responsible for protecting the rights of the child through the complete decision-making process as described in this rule.
3. The parent surrogate shall be appointed in accordance with section 3323.05 of the Revised Code.
4. A child who has reached the age of majority may request a parent surrogate when no parent is available.
5. To the extent possible, the parent surrogate should match the child's cultural and linguistic background.
6. A parent surrogate shall have no interest that conflicts with the interests of the child represented.
7. Surrogate parents shall successfully complete training prescribed by the Ohio Department of Education prior to acting on behalf of the child.

G. IMPARTIAL DUE PROCESS HEARING

1. Applicability of Due Process Hearing

a. Each school district shall develop and implement written procedures which afford parents and other educational agencies an opportunity to have an impartial due process hearing in accordance with these rules.

b. An impartial due process hearing may be requested at any time the school district or other educational agency:

(i) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child; or

(ii) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.

2. Initiating a Due Process Hearing

a. An impartial due process hearing may be initiated by the school district of residence of the child, the parent, or the school district or other educational agency providing the special education and related services.

b. If the school district of residence, the parent, or the school district or other educational agency providing the special education and related services requests the hearing, they shall do so in writing to the board of education and the superintendent of the school district of residence.

c. If the hearing has been requested by someone other than the child's parent, the parent shall be informed in writing of the request and shall be invited to participate in the proceedings and shall receive copies of all communications between the school district and hearing officer.

d. The school district of residence may initiate a hearing by notifying, in writing, the parent and the school district or other educational agency providing or refusing to provide the special education and related services.

e. All requests initiating hearings shall specify, in writing, the specific issues to be resolved.

f. If a hearing is initiated or if the parent requests the information, the school district shall inform the parent of any free or low-cost legal and other relevant services available in the area.

3. Selection of Impartial Hearing Officer

a. Each school district shall maintain a list of attorneys who serve as hearing officers and include a statement of qualifications of each.

b. Immediately after receipt of a written request for an impartial due process hearing, the superintendent shall submit such list of attorneys, including qualifications, to the individual requesting the hearing.

c. The individual requesting the hearing shall select a hearing officer from the list presented. If the parties involved cannot

agree within ten days upon the selection of an impartial hearing officer, the superintendent shall write to the state superintendent of public instruction who shall appoint one.

d. If an impartial due process hearing is requested by the school district or other educational agency providing special education and related services, the hearing officer will be selected from a list prepared by the Ohio Department of Education in consultation with the Ohio Department of Mental Health and the Ohio Department of Mental Retardation and Developmental Disabilities.

4. Qualifications of Impartial Hearing Officer

a. A hearing may not be conducted by a person who is an employee of a public agency which is involved in the education or care of the child or by any person having a personal or professional interest which would conflict with his or her objectivity in the hearing.

b. The impartial hearing officer shall successfully complete training prescribed by the Ohio Department of Education prior to the hearing.

5. Timelines and Convenience of Hearings

a. Each school district shall adopt written procedures to insure that, not later than forty-five days after the receipt of a request for a hearing, a final decision is reached and a copy of the decision is mailed to each of the parties.

b. A hearing officer may grant specific extensions of time beyond the forty-five days at the request of either party.

c. Each hearing involving oral arguments must be conducted at a time and place which is reasonably convenient to the parent and child involved.

6. Child's Status During Proceedings

a. During the pendency of any impartial due process hearing or subsequent appeals, unless the parent and the school district agree otherwise, the child involved in the complaint must remain in his or her present educational placement.

b. If the complaint involves an application for initial admission to public school, the child, with the consent of the parent, must be placed in the public school program until the completion of all proceedings.

c. This does not preclude the school district from using its normal procedures for dealing with children who are endangering themselves or others.

7. **The Impartial Hearing Officer Shall Inform the Parties in an Impartial Due Process Hearing of Their Rights to:**
   a. Be accompanied and advised by counsel and by individuals with special knowledge of or training in the problems of handicapped children;
   b. Present evidence and confront, cross-examine, and compel the attendance of witnesses whose testimony is relevant, necessary and material;
   c. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;
   d. Obtain a written or electronic verbatim record of the hearing;
   e. Obtain written findings of facts and decisions;
   f. Have access to educational records; and
   g. Be informed of how to appeal decisions.

8. **The Impartial Hearing Officer Shall Inform the Parent Involved in Hearings of the Right to:**
   a. Have the child who is the subject of the hearing present,
   b. Open the hearing to the public, and
   c. Receive notices in written language understandable to the public and provided in the native language of the parent or other mode of communication to assure that the parent understands the notice. All hearings and appeals procedures shall be provided in the parent's native language or other mode of communication.

9. **Parties to an Impartial Due Process Hearing Must Be Informed by the Hearing Officer of Their Rights Relative to the Hearing Process Sufficiently in Advance of the Hearing to Provide Adequate Understanding and Preparation.**

10. **Responsibilities of Hearing Officer**

    The hearing officer:

    a. Notifies all parties of the date, time and location of the hearing and their rights relative to the hearing;

b. Notifies, by certified mail, all witnesses compelled to testify at the hearing;

c. Arranges a conference between the parties at least five days prior to the hearing to assure that information to be presented is disclosed;

d. Issues, upon showing that a proposed witness' testimony is relevant, necessary and material, a subpoena or a subpoena *duces tecum* to compel that the production of any books, records or papers be directed to the sheriff of the county where such witness resides or is found, which shall be served and returned in the same manner as a subpoena in a criminal case. Fees and mileage shall be paid by the party requesting the subpoena;

e. Denies the request for a subpoena if a witness:

(i) Has no direct knowledge of the child;

(ii) Is not in a position to be aware of the specified proposed placement of stipulated issues to be resolved;

(iii) Is called to attest a fact uncontested or to corroborate another's testimony which can be provided by affidavit;

(iv) Is called to verify the authenticity or existence of a document, law, regulation, rule or policy which can be verified by affidavit; or

(v) Would, by being compelled to attend, not be reasonably expected to provide information material to the stipulated issues;

f. Provides an opportunity for evidence to be presented and witnesses to be confronted or cross-examined;

g. Decides on any procedural issues presented at the hearing;

h. Orders an independent evaluation at public expense if the hearing officer should require such for the purposes of resolving any stipulated issue; and

i. Arrives at a written decision based solely on evidence and testimony presented at the hearing no later than forty-five days after the receipt of a request for a hearing and communicates such decision to the parties involved, unless specific extensions have been made by the hearing officer upon request by either party.

11. Costs of Hearings

a. Costs incurred in impartial due process hearings requested

by the parent shall be assumed by the school district of the child's residence except as follows:

(i) Expert testimony, outside medical evaluation, witness fees, and cost of counsel will be paid by the party requesting the services.

(ii) One copy of the verbatim transcript will be provided the parent at no cost. Additional copies will be paid for by the parent.

b. When the impartial due process hearing has been requested by another educational agency, the school district will share equally the costs of the hearing with the other educational agency, except as follows:

(i) Expert testimony, outside medical evaluation, witness fees, and cost of counsel will be paid by the party requesting the services.

(ii) One copy of the verbatim transcript will be provided the parent at no cost, upon request. Additional copies will be paid for by the parent.

12. State Level Review

a. A party aggrieved by the findings and decision rendered as a result of an impartial due process hearing conducted at the local level may appeal in writing to the State Board of Education.

b. Upon receipt of such an appeal to the State Board of Education, the superintendent of public instruction shall appoint a referee who shall review the record of said matter, take additional evidence if deemed appropriate pursuant to law, and issue a report and recommendation to the State Board of Education.

c. The referee shall:

(i) Examine the entire hearing record;

(ii) Insure that the procedures at the hearing were consistent with the requirements of due process;

(iii) Seek additional evidence, if necessary; and

(iv) Afford, at his or her discretion, the parties an opportunity for oral or written argument. If oral argument is involved, it must be conducted at a time and place reasonably convenient to the parent and child involved.

d. The report and recommendation of the referee will be sent to all parties of record, who have ten days after receipt to

file any written objections to the report and recommendation.

e. Any such written objections to the report and recommendation will be considered by the State Board of Education before rendering final approval, disapproval or modification of the report and recommendation.

f. Final determinations are to be made by the State Board of Education within thirty days, unless an extension has been granted at the request of either party.

g. Determinations shall be made in accordance with the provision of Chapter 119. of the Revised Code.

13. All Decisions Rendered in an Impartial Due Process Hearing, or At A State Level Review, Shall Be in Accordance with the Rules for Special Education Adopted by the State Board of Education and Federal Rules and Regulations.

14. Appeal to Courts

Any party aggrieved by the final order of the State Board of Education may appeal the final order to the following courts only after conclusion of an impartial due process hearing and state level review:

a. The common pleas court of the county of the child's school district of residence, or

b. The federal district court of competent jurisdiction.

15. Mediation

Mediation is recommended, but cannot be used to delay or deny an impartial due process hearing that has been requested in writing. In many cases, mediation may lead to resolution of differences without the development of an adversary relationship. The steps in mediation include:

a. Case Conference—Case conference procedures are informal procedures ordinarily used in the evaluation, placement and periodic review process to provide the parents and the school district an opportunity to review and interpret information regarding the child and his or her IEP and to resolve problems encountered during this process.

b. Administrative Review—The child's parent or educational agency other than the school district may request an opportunity to present complaints to the superintendent regarding

the evaluation or educational placement of the child or the provision of special education.

(i) Upon receipt of a complaint, the superintendent, without undue delay and at a time and place convenient to all parties, shall conduct a review, may hold an administrative hearing, and shall notify all parties in writing of his or her decision within twenty days.

(ii) Every effort should be made in the review to resolve any disagreements.

(iii) All parties have the right to invite others to participate in the administrative review, including legal counsel.

c. Pre-hearing conference.

(i) After all efforts have been exhausted at the school district level, and ordinarily after an impartial hearing officer has been appointed, a representative of the Ohio Department of Education may be asked to mediate any dispute.

(ii) The school district will arrange a time for the pre-hearing conference in the school's geographical area mutually agreeable to the parent, school personnel, and the representative from the state.

3301-51-03 CONTINUUM OF PROGRAM OPTIONS FOR HANDICAPPED CHILDREN.

A. GENERAL

1. In the provisions of special education for a handicapped child, the school district shall consider the appropriate paragraphs of this rule and rule 3301-51-04 of the Administrative Code.

2. Each school district shall insure that a continuum of alternative placements is available to meet the needs of handicapped children for special education and related services.

3. Experimental special education programs or related services for handicapped children may be approved outside these rules by the Ohio Department of Education, Division of Special Education, to evaluate new methodology and/or alternative procedures in accordance with a request for proposal (RFP) issued by the Division of Special Education. A recommendation for the design and issuance of an RFP may be submitted to the Division of Special Education.

4. Approval for early childhood special education programs for identified handicapped children may be granted in accordance with an RFP issued by the Division of Special Education for the development of model programs and shall include, but not necessarily be limited to:
   a. Eligibility,
   b. Educational program,
   c. Teacher qualifications,
   d. Program options,
   e. Related services,
   f. Parent services, and
   g. Evaluation design.
5. A comprehensive program for handicapped children shall consist of instructional services at the elementary and secondary school levels and may include services at the preschool level. Each school district shall make provision for a comprehensive special education program and related services so that every handicapped child is appropriately served.
6. Handicapped children served in any of these options shall receive a diploma upon completion of requirements for graduation.

B. SUPPLEMENTAL SERVICES

1. General

a. The supplemental services teacher shall provide supplemental aids and services necessary to enable a handicapped child to receive an appropriate education in the regular classroom environment in accordance with an individualized education program.

b. The handicapped children eligible for this special education program shall be able to benefit from placement in the regular classroom.

2. Teacher/Pupil Ratio

a. The supplemental services teacher shall serve a minimum of fifteen eligible children placed full-time in regular classes. Additional handicapped children above the required minimum case load, but within the fifteen to thirty case load range, who are integrated into regular classrooms from special class/learning centers on a part-time basis may also be served by the supplemental services teacher.

b. The supplemental services teacher may serve more than one school building, more than one district, and any type of handicapped child requiring this service.

3. Housing, Facilities, Equipment and Materials

a. Evaluation and instructional materials and equipment appropriate for the age, developmental ability and handicap of each child shall be available to the supplemental services teacher. This would include a variety of multilevel and multimedia learning materials and equipment which would be readily available for use to meet the individual interests and learning abilities of the children served in this program.

b. The supplemental services teacher shall be provided office space and secretarial assistance and shall have access to a telephone in an area where scheduling, parent contacts, and confidential conversations regarding children can be completed.

4. Teacher Qualifications

a. A supplemental services teacher serving a single category of handicap shall hold an Ohio special education teacher's certificate for that area and shall show evidence of at least one year of successful special education teaching experience in that area of handicap.

b. A supplemental services teacher serving children in more than one area of handicap shall hold an Ohio special education teacher's certificate in one of the areas of handicap and shall show evidence of at least one year of successful special education teaching experience in one of the areas of handicap.

5. Teaching Responsibilities

A supplemental services teacher shall be responsible for providing the following services:

a. Assisting in the development of the IEP for each child served by this teacher;

b. Assisting regular classroom teachers in developing teaching strategies for handicapped children;

c. Identifying, procuring and coordinating appropriate supplemental special education to maintain the handicapped child in the regular education classroom;

d. Providing information to school personnel regarding the needs of handicapped children;

e. Selecting and developing instructional materials and equipment required for handicapped children;

f. Assisting in the modification of the classroom environment for the handicapped child in the regular classroom;

g. Demonstrating short-term diagnostic teaching to facilitate the provision of appropriate education for the handicapped child in the regular classroom;

h. Assisting in the development of instructional or behavioral strategies to enable the handicapped child to receive an appropriate education in the regular classroom; and

i. Demonstrating instructional techniques and materials for identified handicapped children in the regular classroom.

C. INDIVIDUAL/SMALL GROUP INSTRUCTION

1. General

a. The individual/small group instruction program shall serve handicapped children who are enrolled in regular classes, but who require additional instruction in one or more academic areas to make satisfactory achievement in regular class placement. This instruction may supplement the instruction provided in the regular classes in which the child is experiencing serious difficulty, but may not supplant the regular classroom instruction in the selected subject areas.

b. This service shall be approved only for periods when the school is in regular session and shall be rendered in a school building during a portion of the regular school day.

2. Teacher/Pupil Ratio

a. Individual instruction.
The individual instruction teacher shall not serve more than one child during any single instructional period.

b. Small group instruction.
The small group instruction teacher shall serve two or three children during any single instruction period, providing that the IEP of each child indicates that the same instructional program will meet the needs of all of the children within the small group.

3. **Age Range**

   The age range of the children served in the small group instruction program shall be comparable to the chronological ages of the children who are housed in the same public school building.

4. **Housing, Facilities, Materials and Equipment**

   a. The facilities in which individual/small group instruction is provided shall be located in a public school building.

   b. The rooms shall be large enough to accommodate individual and/or small group instruction as well as the use and storage of necessary special equipment and teaching materials.

   c. No other activity shall be carried out in the room during the time that individual/small group instruction is being provided.

   d. Evaluation and instructional materials and equipment appropriate for the age, developmental ability and handicap of each child shall be available to each teacher. This would include a variety of multimedia learning materials and equipment which would be readily available for use to meet the individual interests and learning abilities of the children in the program.

5. **Teacher Qualifications**

   The certification qualifications for individual/small group instruction teachers shall be those described in the rule 3301-51-04 of the Administrative Code.

6. **Teacher Responsibilities**

   a. The individual/small group teacher will develop instructional objectives on a cooperative basis with the regular classroom teacher, which will enable the handicapped child to participate to the maximum extent possible in the regular education program.

   b. The individual/small group teacher shall be responsible for teaching prerequisite skills necessary for learning the fundamental concepts of an instructional objective and/or for expanding and reinforcing concepts that are being taught in the regular classroom.

   c. Because this instruction is to be supplementary in nature, the individual/small group instruction teacher shall not be

responsible for the total instruction of the subject areas, student evaluations, or assignment of grades.

D. SPECIAL CLASS/LEARNING CENTER

1. General

a. The special class/learning center shall serve children whose handicapping conditions are so severe that it requires removal from a regular education program to provide part-time or full-time educational services in this program option. Not all children assigned to a special class/learning center will necessarily remain with the special education teacher on a full-time basis.

b. A special class/learning center program option shall include placement in a special class/learning center program located in a:

(i) Public school building,

(ii) Separate school in the school district,

(iii) Public school program located in a separate facility,

(iv) County board of mental retardation and developmental disabilities facility,

(v) State residential school for the deaf or for the blind, or

(vi) State institution.

2. Teacher/Pupil Ratio

The minimum and maximum number of children for a special class/learning center shall be as specified for each category within rule 3301-51-04 of the Administrative Code.

3. Age Range

The number and the age range of children served in a special class/learning center during any one instructional period shall be as established for each category within rule 3301-51-04 of the Administrative Code.

4. Housing, Facilities, Materials and Equipment

a. Each special class/learning center shall be housed in a classroom which meets the rules for elementary and secondary schools adopted by the State Board of Education for children of comparable choronological age.

b. Each special class/learning center classroom shall accommodate the special needs of the children in attendance and

shall be large enough to accommodate the use and storage of special equipment and teaching materials.

c. Classrooms shall be equipped with an adequate number of desks and chairs that are appropriate for the physical needs of children within the class.

d. Each special class/learning center shall be large enough to provide for individual, small group and large group instruction. These facilities shall be adequately heated, lighted and ventilated and shall be provided with sufficient electrical outlets.

e. The classrooms for special class/learning centers in a regular public school shall be located in the section of the building that houses children of comparable age.

f. Evaluation and instructional materials and equipment appropriate for the age, developmental ability and handicap of each child shall be available to each teacher. This would include a variety of multimedia learning materials and equipment which would be readily available for use to meet the individual interests and learning abilities of the students in the program.

g. Additional requirements relative to housing, facilities, materials and equipment may be specified for each category within rule 3301-51-04 of the Administrative Code.

5. Teacher Qualifications

The special class/learning center teacher shall hold an Ohio special education teacher's certificate as specified within rule 3301-51-04 of the Administrative Code.

6. Teacher Responsibilities

a. The teacher of a special class/learning center shall instruct children in skills leading to independence as an adult on the basis of the evaluation of each child.

b. The special class/learning center teacher shall assist in providing the handicapped children that he or she serves the opportunity to participate in regular academic and nonacademic education programs and in extracurricular activities with nonhandicapped children to the maximum extent appropriate.

c. The full-time assignment of the teacher shall be the instruction of eligible handicapped children. The special class/

learning center teacher may be assigned to noninstructional school responsibilities on the same basis as the regular teaching staff.

d. The special class/learning center teacher shall not be assigned to instruct nonhandicapped children.

e. In a school building with two or more special class/learning centers in the same program area, teachers may be organized in a departmentalized or team manner. This arrangement may involve age ranges of more than one level.

E. HOME INSTRUCTION

1. General

a. "Home instruction" is an individualized special education program provided to a child with a handicap which prevents the child from attending a regular or special education program even with the aid of special transportation.

b. The multifactored evaluation and the resultant IEP indicate this program alternative as appropriate for meeting the child's needs.

c. For a child receiving home instruction in accordance with the IEP, a minimum of one hour of home instruction shall be provided for each day the child is unable to attend school.

2. Teacher/Pupil Ratio

The home instruction teacher shall not serve more than one child during any single instructional period.

3. Housing, Facilities, Materials and Equipment

a. Instruction shall be provided outside the school setting. This may include the home, hospital, or other facility appropriate to the child's needs.

b. The school district shall provide appropriate materials and equipment to meet the requirements of the child's IEP.

4. Teacher Qualifications

The teacher shall hold an Ohio teacher's certificate.

5. Teacher Responsibilities

A home instruction teacher shall be responsible for the following services:

a. Assisting in the development of the IEP for the child;

b. Providing the instructional program for the child including appropriate aids and materials;

c. Providing, in cooperation with school personnel, periodic reports on the child's progress in a manner consistent with the reporting practice of the school district; and

d. Coordinating with school personnel in the successful return of the child to the regular education program or another special education program.

3301-51-04 SPECIAL EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN.

A. PROGRAM FOR MULTIHANDICAPPED CHILDREN

1. Eligibility

A child who meets the definition of multihandicapped according to paragraph DD. of rule 3301-51-01 of the Administrative Code and the following requirements shall be eligible for special education programming and related services for multihandicapped children.

a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas:

(i) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy;

(ii) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration;

(iii) Academic performance;

(iv) Vision, hearing, and motor abilities;

(v) Communicative status;

(vi) Adaptive behavior; and

(vii) Social and emotional status.

b. Each child shall exhibit:

(i) A combination of two or more handicaps as defined in paragraphs K., L., N., V., GG., II., AAA., GGG., and KKK. of rule 3301-51-01 of the Administrative Code

and moderate, severe or profound deficits in communication or adaptive behavior; or

(ii) A moderate, severe or profound developmental handicap with moderate, severe or profound deficits in socialization, communication or adaptive behavior.

c. Medical consultation shall be encouraged on a continuing basis, especially when the school authorities feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.

d. The required reevaluation includes, but is not necessarily limited to, areas in paragraphs A. 1. a. (i) to A. 1. a. (vii) of this rule.

2. Emotional Program

a. An educational program shall be developed that is:

(i) Designed to provide skills leading to independence as an adult on the basis of the evaluation of each child;

(ii) Developmentally sequential;

(iii) Designed to provide objectives leading to one or more occupational skills; and

(iv) Designed to provide training in modes of communication that are appropriate to the needs of the child, functional daily living skills, prevocational/vocational skills, and adaptive behavior.

b. The data from the multifactored evaluation of the handicapped child and the child's IEP shall be available to and used by special education teachers in the development of the child's instructional program.

c. Periodic written reports consistent with the reporting schedule of the school district or other educational agency of attendance shall be provided to the parent of the handicapped child regarding the child's progress.

d. Special education teachers shall have as a full-time teaching responsibility the instruction of handicapped children. Special education teachers may be assigned to other noninstructional school responsibilities on the same basis as the general teaching staff.

3. Program Options

a. Supplemental services

b. Individual/small group instruction

c. Special class/learning center

(i) Teacher/pupil ratio

(a) One special class/learning center teacher shall serve six to eight children.

(b) There shall be at least one full-time aide in each special class/learning center for multihandicapped children.

(ii) Age range

The age range shall not exceed sixty months within any one instructional period.

(iii) Housing, facilities, equipment and materials

(a) The items regarding housing, facilties, equipment and materials for the education of all handicapped children designated in paragraph D. 4. of rule 3301-51-03 of the Administrative Code shall be provided for the instructional program for multihandicapped children.

(b) All necessary special equipment and furnishings for the instruction and safety of multihandicapped children shall be provided. Equipment and furnishing provision shall be made in accordance with paragraphs B., C., D., E., F., and G. of this rule, when appropriate to serve the needs of the children enrolled in this program.

d. Home instruction

4. Teacher Qualifications

a. An individual/small group instruction teacher shall hold an Ohio special education teacher's certificate to teach the moderately, severely or profoundly retarded or, upon approval by the Ohio Department of Education, Division of Special Education, another special education certificate for an area that would be appropriate for the children being served.

b. A special class/learning center teacher shall hold an Ohio special education teacher's certificate to teach the moderately, severely or profoundly retarded or, upon approval by the Ohio Department of Education, Division of Special Education, another special education certificate for an area that would be appropriate for the children being served.

c. The special class/learning center teacher for multihandi-

capped shall hold an Ohio certificate for a teacher for multihandicapped children if such a certificate is established by the State Board of Education for this area.

B. PROGRAM FOR HEARING HANDICAPPED CHILDREN

1. Eligibility

A child who is deaf or hard of hearing as defined in paragraphs K. and V. of rule 3301-51-01 of the Administrative Code and the following requirements shall be eligible for special education programming and related services for hearing handicapped children.

a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas:

(i) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy,

(ii) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration,

(iii) Audiological status as determined by an audiological evaluation completed by a certified or licensed audiologist,

(iv) Academic performance,

(v) Vision and motor abilities,

(vi) Communicative status, and

(vii) Social and emotional status.

b. Each child shall exhibit:

(i) An average pure tone hearing loss of fifty decibels or greater, according to the "American National Standards Institute" (ANSI)—1969, for the frequencies five hundred, one thousand and two thousand Hertz in the better ear;

(ii) An average pure tone hearing loss of twenty-five decibels or greater (ANSI) for the frequencies five hundred, one thousand and two thousand Hertz in the better ear, which has an adverse effect upon his or her educational performance related to documented evidence of:

(a) A more severe hearing loss during the developmental years than is currently measured,

(b) A history of chronic medical problems that have resulted in fluctuating hearing, presently or in the past, or

(c) A delay in diagnosis, provision of amplification, and/or initiation of specal programming; or

(iii) A hearing loss in excess of twenty-five decibels (ANSI) for the frequencies one thousand Hertz through eight thousand Hertz in the better ear, resulting in such poor auditory discrimination that it has an adverse effect upon his or her educational performance.

c. Medical consultation shall be encouraged on a continuing basis, especially when the school authorities feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.

d. The required reevaluation includes, but is not necessarily limited to, areas in paragraphs B. 1. a. (iii) to B. 1. a. (vii) of this rule.

2. Educational Program

a. An educational program shall be developed that:

(i) Is designed to provide skills leading to independence as an adult on the basis of the evaluation of each child;

(ii) Is developmentally sequential;

(iii) Is designed to provide objectives leading to one or more occupational skills;

(iv) Includes within the language arts program, as is individually appropriate, the special areas of language, speech, speechreading, manual communication, and auditory training.

b. The data from the multifactored evaluation of the handicapped child and the child's IEP shall be available to and used by special education teachers in the development of the child's instructional program.

c. Periodic written reports consistent with the reporting schedule of the school district shall be provided to the parent of the handicapped child regarding the child's progress.

d. Special education teachers shall have as a full-time responsibility the instruction of handicapped children. Special

education teachers may be assigned to other noninstructional school responsibilities on the same basis as the general teaching staff.

e. Daily monitoring of all hearing aids and auditory training equipment used by hearing handicapped children shall be conducted to insure their proper functioning.

f. Provisions shall be made for maintenance and prompt repair of all electronic equipment utilized for hearing handicapped children.

3. Program Options

a. Supplemental services

b. Individual/small group instruction

c. Special class/learning center

(i) Teacher/pupil ratio

(a) One special class/learning center teacher shall serve six to ten children.

(b) No more than eight children shall be served during any one instructional period.

(ii) Age range

The age range shall not exceed forty-eight months within any one instructional period.

(iii) Housing, facilities, equipment and materials

(a) The items regarding housing, facilities, equipment and materials for the education of all handicapped children designated in paragraph D. 4. of rule 3301-51-03 of the Administrative Code shall be provided for the instructional program for hearing handicapped children.

(b) The room for instructing a class of hearing handicapped children shall have acoustical treatment to reduce the ambient noise level to sixty decibels or below (ANSI).

(c) Each classroom housing a special class for hearing handicapped students shall have adequate and properly functioning amplification instrumentation available for each child.

(d) The multimedia learning materials and equipment available for use in a special class for hearing handicapped children shall include, but not be lim-

ited to, such items as an overhead, movie and filmstrip projector; wall-mounted projection screen; audio card reader/recorder; tape player/recorder; record player; and provision for displaying visual and tactile materials.

(e) Window shades and/or draperies shall be installed in each special classroom for hearing handicapped students to provide adequate light control for good visual projection of instructional materials.

d. Home instruction

4. Teacher Qualifications

a. An individual/small group teacher shall hold an Ohio special education teacher's certificate to teach the deaf and hard of hearing, or other special education certificate.

b. A special class/learning center teacher shall hold an Ohio special education teacher's certificate to teach the deaf and hard of hearing.

C. PROGRAM FOR VISUALLY HANDICAPPED CHILDREN

1. Eligibility

A child who meets the definition for visually handicapped in paragraph KKK. of rule 3301-51-01 of the Administrative Code and the following requirements shall be eligible for special education programming and related services for visually handicapped children.

a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas:

(i) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy,

(ii) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration,

(iii) Eye condition as determined by an eye care specialist,

(iv) Academic performance,

(v) Hearing and motor abilities, and

(vi) Social and emotional status.

b. Each child shall exhibit:
   (i) A visual impairment, not primarily perceptual in nature, resulting in a measured visual acuity of 20/70 or poorer in the better eye with correction, or
   (ii) Each child shall exhibit a physical eye condition that affects visual functioning to the extent that special education placement, materials and/or services are required in an educational setting.

c. The eye examination report should provide information regarding:
   (i) Monocular and binocular corrected and uncorrected visual acuity for near and distance,
   (ii) Complete medical diagnosis,
   (iii) Restrictions of visual field,
   (iv) Color perception,
   (v) Light sensitivity,
   (vi) Physical restrictions,
   (vii) Medical/surgical history,
   (viii) Use of corrective lenses,
   (ix) Recommendations for medical care, and
   (x) Recommendations for low vision evaluation.

d. Medical consultation shall be encouraged on a continuing basis, especially when the school authorities believe that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.

e. The required reevaluation includes, but is not necessarily limited to, areas in paragraphs C. 1. a. (iii) to C. 1. a. (vi) of this rule.

2. Educational Program

a. An educational program shall be developed that:
   (i) Is designed to provide skills leading to independence as an adult on the basis of the evaluation of each child;
   (ii) Is developmentally sequential;
   (iii) Is designed to provide objectives leading to one or more occupational skills; and
   (iv) Includes special areas that are individually appropriate, such as braille, orientation and mobility, adapted physical education, daily living skills, and typing.

b. The data from the multifactored evaluation of the handicapped child and the child's IEP shall be available to and used by special education teachers in the development of the child's instructional program.

c. Periodic written reports consistent with the reporting schedules of the school district shall be provided to the parent of the handicapped child regarding the child's progress.

d. Special education teachers shall have as a full-time responsibility the instruction of handicapped children. Special education teachers may be assigned to other noninstructional school responsibilities on the same basis as the general teaching staff.

e. Provision shall be made for the maintenance and prompt repair of all special equipment utilized for visually handicapped children.

3. Program Options

a. Supplemental services

A supplemental services teacher serving visually handicapped children may provide braille instruction in addition to the teacher responsibilities listed in paragraph B. 5. of rule 3301-51-03 of the Administrative Code.

b. Individual/small group instruction

c. Special class/learning center

(i) Teacher/pupil ratio

(a) One special class/learning center teacher shall serve six to ten children.

(b) No more than eight children shall be served during any one instructional period.

(ii) Age range

The age range shall not exceed forty-eight months within any one instructional period.

(iii) Housing, facilites, equipment and materials

(a) The items regarding housing, facilities, equipment and materials for the education of all handicapped children designated in paragraph D. 4. of rule 3301-51-03 of the Administrative Code shall be provided for the instructional program for visually handicapped children.

(b) The equipment and materials available for use in serving visually handicapped children may include,

but not be limited to, such items as large print materials, low vision aids, brailled material, taped material, braillewriter, slate and stylus, audio card reader/recorder, tape player/recorder, record player, special visual and tactile materials, and self-instructional instruments such as programmed learning machines and cartridge audiovisual equipment that are appropriate for the children being served.

d. Home instruction

4. Teacher Qualifications

a. An individual/small group instruction teacher shall hold an Ohio special education teacher's certificate to teach visually handicapped children, or other special education teacher certificate.

b. A special class/learning center teacher for visually handicapped children shall hold an Ohio special education teacher's certificate to teach visually handicapped children.

D. PROGRAM FOR ORTHOPEDICALLY AND/OR OTHER HEALTH HANDICAPPED CHILDREN

1. Eligibility

A child who meets the definition for orthopedically handicapped and/or other health handicapped as defined in paragraphs GG. and II. of rule 3301-51-01 of the Administrative Code and the following requirements shall be eligible for special education programming and related services for orthopedically and/or other health handicapped children.

a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas:

(i) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy;

(ii) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration;

(iii) Academic performance;

(iv) Vision, hearing, and motor abilities;

(v) Communicative status; and

(vi) Social and emotional status.

b. Each child shall exhibit a congenital or acquired physical disability which adversely affects educational performance.

c. Medical consultation shall be encouraged on a continuing basis, especially when school authorities feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.

d. The required reevaluation includes, but is not necessarily limited to, areas in paragraphs D. 1. a. (iii) to D. 1. a. (vi) of this rule.

2. Educational Program

a. An educational program shall be developed that is:

(i) Designed to provide skills leading to independence as an adult based on the evaluation of each child;

(ii) Developmentally sequential;

(iii) Designed to provide objectives leading to one or more occupational skills; and

(iv) Designed to include instruction in fine and gross motor skills and incorporates objectives for occupational and/or physical therapy and alternative modes of communication, when appropriate.

b. The data from the multifactored evaluation of the handicapped child's IEP shall be available to and used by special education teachers in the development of the child's instructional program.

c. Periodic written reports consistent with the reporting schedule of the school district shall be provided to the parent of the handicapped child regarding the child's progress.

d. Special education teachers shall have as a full-time responsibility the instruction of handicapped children. Special education teachers may be assigned to other noninstructional school responsibilities on the same basis as the general teaching staff.

3. Program Options

a. Supplemental services

b. Individual/small group instruction

c. Special class/learning center

(i) Teacher/pupil ratio

(a) One special class/learning center teacher shall serve six to ten children.

(b) No more than eight children shall be served during any one instructional period.

(ii) Age range

The age range shall not exceed forty-eight months within any one instructional period.

(iii) Housing, facilities, equipment and materials

(a) The items regarding housing, facilities, equipment and materials for the education of all handicapped children designated in paragraph D. 4. of rule 3301-51-03 of the Administrative Code shall be provided for the instructional program for orthopedically and/or other health impaired children.

(b) Orthopedically and/or other health handicapped children shall be provided the opportunity to have physical access to all programs and services available to nonhandicapped children of comparable age served by the school district.

(c) All necessary special equipment and furnishings for the instruction and safety of orthopedically and/or other health handicapped children shall be provided.

(i) The building entrance shall be at ground level or equipped with an appropriate ramp;

(ii) A loading and unloading area for buses and other means of transportation shall be situated in a safe area away from playgrounds and hazardous areas;

(iii) Toilet rooms, drinking fountains and lavatories shall be appropriately equipped for children, including necessary safety grab bars and at least one stall designed to accommodate a wheelchair;

(iv) Floors should be of a nonskid nature and free of excessive wax;

(v) Adequate space and equipment shall be provided, both indoors and out-of-doors, for physical activities and recreation;

(vi) Lunchroom facilities shall include furniture, eating utensils and equipment suitable to the individual needs of the children;

(vii) Exits from the building shall be easily accessible for evacuation during an emergency; and

(viii) Rooms shall be well-ventilated.

d. Home instruction

4. Teacher Qualifications

a. An individual/small group teacher shall hold an Ohio special education teacher's certificate to teach the orthopedically handicapped, or other special education teaching certificate.

b. A special class/learning center teacher shall hold an Ohio special education teacher's certificate to teach the orthopedically handicapped.

E. PROGRAM FOR SEVERE BEHAVIOR HANDICAPPED CHILDREN

1. Eligibility

A child who meets the definition of severe behavior handicapped in paragraph AAA. of rule 3301-51-01 of the Administrative Code and the following requirements shall be eligible for special education programming and related services for severe behavior handicapped children.

a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas:

(i) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy;

(ii) Vision, hearing, and motor abilities;

(iii) Communicative status;

(iv) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration;

(v) Academic performance;

(vi) Background information inclusive of educational, family and medical history;

(vii) Informal behavior observation by the child's current teacher and at least one other team member; and

(viii) Behavior or personality measure.

b. Medical consultation shall be encouraged on a continuing basis, especially when the school authorities feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.

c. A written report shall be developed by the evaluation team for each child evaluated for severe behavior handicaps. Each team member shall certify in writing whether or not the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion. The report must include a statement of:

(i) Whether or not the child has a severe behavior handicap;

(ii) The basis for making the determination;

(iii) The relevant behavior noted during the informal behavior observations of the child including:

(a) A clear description of the behavior patterns of concern;

(b) Measure of frequency of occurrence of the behavior in terms of times per minute, hour, day, or other time limit; and

(c) An indication of the intensity of the behavior pattern, i.e., how extreme the behavior is relative to the peer group;

(iv) The relationship of the observations to the norm referenced tests;

(v) How the conditions adversely affect educational performance; and

(vi) Conclusion that the behavior is not a result of a social maladjustment.

d. The required reevaluation includes, but is not necessarily limited to, areas in paragraphs E. 1. a. (iv) to E. 1. a. (viii) of this rule.

2. Educational Program

a. An educational program shall be developed that is:

(i) Designed to provide skills leading to independence as an adult based on the evaluation of each child,

(ii) Developmentally sequential,

(iii) Designed to provide objectives leading to one or more occupational skills, and

(iv) Designed to reflect classroom and child management techniques appropriate for severe behavior handicapped children.

b. The data from the multifactored evaluation of the handicapped child and the child's IEP shall be available to and used by special education teachers in the development of the child's instructional program.

c. Periodic written reports, consistent with the reporting schedule of the school district, shall be provided to the parent of the handicapped child regarding the child's progress.

d. Special education teachers shall have as a full-time responsibility the instruction of handicapped children. Special education teachers may be assigned to other noninstructional school responsibilities on the same basis as the general teaching staff.

e. Provisions may be made for assisting the parent in implementing the strategies for modification of the child's inappropriate behavior.

3. Program Options

a. Supplemental services

b. Individual/small group instruction

c. Special class/learning center

(i) Teacher/pupil ratio

(a) One special class/learning center teacher shall serve six to twelve children.

(b) No more than ten children shall be served during any one instructional period.

(c) There should be a plan on file and in operation in the school district to provide appropriate classroom management and crisis intervention support to the special class/learning center teacher. Included in the plan shall be the following:

(i) Identification of units,

(ii) Name of the administrator or supervisor responsible for the plan,

(iii) Titles of personnel providing classroom management support to the teacher,

(iv) Titles of building personnel assisting the teacher with crisis intervention (the assigned person shall not have the primary responsibility of instructing children. For multiple units of severe behavior handicapped children, the plan shall designate procedures for utilizing personnel for intervention in the event of more than one unit simultaneously needing assistance.), and

(v) A description of the role/function of the personnel assisting the teacher.

A copy of the plan shall be provided to all personnel involved. The plan shall be evaluated at least annually and a written evaluation report shall be on file.

(d) In the absence of a plan, the school district shall employ at least one full-time aide in each special class/learning center.

(ii) Age range

The age range shall not exceed forty-eight months within any one instructional period.

(iii) Housing, facilities, equipment and materials

(a) The items regarding housing, facilities, equipment and materials for the education of all handicapped children designated in paragraph D. 4. of rule 3301-51-03 of the Administrative Code shall be provided for the severe behavior handicapped children.

(b) These items shall be provided in an appropriate school building or in another facility.

d. Home instruction

4. Teacher Qualifications

a. An individual/small group instruction teacher shall hold an Ohio special education teacher's certificate to teach children with learning disabilities and/or behavior disorders.

b. A special class/learning center teacher shall hold an Ohio special education teacher's certificate to teach children with learning disabilities and/or behavior disorders.

F. PROGRAM FOR DEVELOPMENTALLY HANDICAPPED CHILDREN

1. Eligibility

A child who meets the definition for developmentally handicapped in paragraph N. of rule 3301-51-01 of the Administrative Code and the following requirements shall be eligible for special education programming and related services for developmentally handicapped children.

a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas:
   (i) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration;
   (ii) Academic performance;
   (iii) Hearing, vision, and motor abilities;
   (iv) Communicative status; and
   (v) Adaptive behavior.

b. In addition to the requirements for eligibility mentioned above, personnel shall also draw upon information from a variety of sources, including teacher recommendations, physical condition, and social or cultural background.

c. Each child shall have a measured intelligence quotient of eighty or below.

d. Each child shall exhibit deficits in academic performance.

e. Each child shall exhibit deficits in adaptive behavior which adversely affect the child's educational performance and/or independent daily living skills. Evidence of deficits in a minimum of two areas of adaptive behavior must be documented through the use of individually administered standardized instruments which have been validated for the specific purpose of measuring adaptive behavior.

f. Medical consultation shall be encouraged especially when school authorities feel that there has been a change in a child's behavior or educational functioning or when new symptoms are detected.

g. The required reevaluation includes, but is not necessarily limited to, areas in paragraphs F. 1. a. and F. 1. b. of this rule.

2. Educational Program

a. An educational program shall be developed that is:

(i) Designed to provide skills leading to independence as an adult based on the evaluation of each child,

(ii) Developmentally sequential, and

(iii) Designed to provide objectives leading to one or more occupational skills.

b. The data from the multifactored evaluation of the handicapped children and the child's IEP shall be available to and used by special education teachers in the development of the child's instructional program.

c. Periodic written reports consistent with the reporting schedule of the school district shall be provided to the parent of the handicapped child regarding the child's progress.

d. Special education teachers shall have as a full-time responsibility the instruction of handicapped children. Special education teachers may be assigned to other noninstructional school responsibilities on the same basis as the general teaching staff.

3. Program Options

a. Supplemental services

b. Individual/small group instruction

c. Special class/learning center

(i) Teacher/pupil ratio

(a) One special class/learning center teacher shall serve eight to sixteen children at the elementary, middle or junior high school levels, or twelve to twenty-four children at the senior high school level.

(b) During any one instructional period, no more than twelve children at the elementary, middle or junior high school levels, or no more than sixteen children at the senior high school level shall be served.

(ii) Age range

The age range shall not exceed sixty months within any one instructional period.

(iii) Housing, facilities, equipment and materials

The items regarding housing, facilities, equipment and materials for the education of all handicapped children designated in paragraph D. 4. of rule 3301-51-03 of the

Administrative Code shall be provided for the instructional program for developmentally handicapped children. There are no additional requirements for this area of handicap.

d. Home instruction

4. Teacher Qualifications

a. An individual/small group instruction teacher shall hold an Ohio special education teacher's certificate to teach the developmentally handicapped (educable mentally retarded or moderately, severely or profoundly retarded) children.

b. A special class/learning center teacher shall hold an Ohio special education teacher's certificate to teach the developmentally handicapped (educable mentally retarded or moderately, severely or profoundly retarded) children.

G. PROGRAM FOR SPECIFIC LEARNING DISABLED CHILDREN

1. Eligibility

A child who meets the definition for specific learning disability according to paragraph FFF. of rule 3301-51-01 of the Administrative Code and the following requirements shall be eligible for special education programming and related services for specific learning disabled children.

a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas:

(i) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration;

(ii) Academic performance as measured through the use of standardized tests designed for individual administration which must include evaluation in the areas of:

(a) Basic reading skills,

(b) Reading comprehension,

(c) Mathematics calculation, and

(d) Mathematics reasoning;

(iii) Vision, hearing, and motor abilities;

(iv) Communicative status, which must include assessments in the areas of:

(a) Oral expression,

(b) Listening comprehension, and

(c) Written expression; and

(v) Social and emotional status.

b. Each child shall have a severe discrepancy between achievement and ability which adversely affects his or her educational performance to such a degree that special education and related services are required. The basis for making the determination shall be:

(i) Evidence of a discrepancy score of two or greater than two between intellectual ability and achievement in one or more of the following seven areas:

(a) Oral expression,

(b) Listening comprehension,

(c) Written expression,

(d) Basic reading skills,

(e) Reading comprehension,

(f) Mathematics calculation, or

(g) Mathematics reasoning.

(ii) The following formula shall be used in computing the discrepancy score:

(a) From:

(i) The score obtained for the measure of intellectual ability,

(ii) Minus the mean of the measure of intellectual ability,

(iii) Divided by the standard deviation of the measure of intellectual ability;

(b) Subtract:

(i) Score obtained for the measure of achievement,

(ii) Minus the mean of the measure of achievement,

(iii) Divided by the standard deviation of the measure of achievement.

(c) The result of this computation equals the discrepancy score. If the discrepancy score is two or greater than two, a severe discrepancy exists.

(iii) Achievement is not commensurate with his or her age and ability levels in one or more of the seven areas listed in paragraph G. 1. b. (i) of this rule when there is

evidence that the child has been provided learning experiences appropriate for his or her age and ability levels.

(iv) The child's severe discrepancy between achievement and ability is not primarily the result of:

(a) Vision, hearing, or motor handicap;

(b) Mental retardation;

(c) Emotional disturbance; or

(d) Environmental, cultural or economic disadvantage.

c. The academic performance in the regular classroom setting shall be observed by at least one evaluation team member other than the child's regular teacher. In the case of a child of less than school age or one who is out of school, a team member shall observe the child in an environment appropriate for a child of that age.

d. A written report shall be developed by the evaluation team for each child evaluated for a specific learning disability. Each evaluation team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion. The report must include a statement of:

(i) Whether or not the child has a specific learning disability;

(ii) The basis for making the determination;

(iii) The relevant behavior noted during the observation of the child;

(iv) The relationship of that behavior to the child's academic functioning;

(v) The educationally relevant medical findings, if any;

(vi) Whether or not there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and

(vii) The determination of the team concerning the effects of environmental, cultural or economic disadvantage.

e. In the event that the evaluation team determines that a child has a specific learning disability, even though the application of the formula for computing the discrepancy score indicates that the child does not have a discrepancy score of two or greater than two between achievement and ability,

the team judgment must prevail. In this event, the team must document in the written report the following additional information:

(i) Data obtained in the evaluation of the seven areas of educational functioning listed in paragraph G. 1. b. (i) of this rule;

(ii) Recommendations and information obtained from the child's regular classroom teachers and parent;

(iii) Evidence of the child's performance in the regular classroom including work samples and group test scores;

(iv) Evidence of possible deficiencies in more than one of the seven areas of educational functioning;

(v) Additional supportive data besides standardized test data; and

(vi) Consideration of the child's age, particularly in the case of young children.

f. Medical consultation shall be encouraged especially when school authorities feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.

g. The required reevaluation includes, but is not necessarily limited to, areas in paragraphs G. 1. a. to G. 1. e. of this rule.

2. Educational Program

a. An educational program shall be developed that is:

(i) Designed to provide skills leading to independence as an adult based on the evaluation of each child,

(ii) Developmentally sequential, and

(iii) Designed to provide objectives leading to one or more occupational skills.

b. The data from the multifactored evaluation of the handicapped child and the child's IEP shall be available to and used by special education teachers in the development of the child's instructional program.

c. Periodic written reports consistent with the reporting schedule of the school district shall be provided to the parent of the handicapped child regarding the child's progress.

d. Special education teachers shall have as a full-time responsibility the instruction of handicapped children. Special

education teachers may be assigned to other noninstructional school responsibilities on the same basis as the general teaching staff.

e. The instruction provided a child enrolled in a specific learning disabilities program shall include, but not be limited to, instruction in at least one of the areas listed below in which a deficit was identified as part of the child's multifactored evaluation:

(i) Oral expression,
(ii) Listening comprehension,
(iii) Written expression,
(iv) Basic reading skills,
(v) Reading comprehension,
(vi) Mathematic calculation, or
(vii) Mathematic reasoning.

3. Program Options

a. Supplemental services

b. Individual/small group instruction

c. Special class/learning center

(i) Teacher/pupil ratio

(a) One special class/learning center teacher shall serve eight to sixteen children at the elementary, middle or junior high school levels, or twelve to twenty-four children at the senior high school level.

(b) No more than twelve children shall be served during any one instructional period.

(ii) Age range

The age range shall not exceed sixty months within any one instructional period.

(iii) Housing, facilities, equipment and materials

(a) The items regarding housing, facilities, equipment and materials for the education of all handicapped children designated in paragraph D. 4. of rule 3301-51-03 of the Administrative Code shall be provided for the instructional program for specific learning disabled children.

(b) The auditory, visual and manipulative instructional materials for use in serving specific learning disabled children shall include, but not be limited to,

such items as an overhead projector, movie and filmstrip projector, projection screen, audio card reader/recorder, tape player/recorder, record player, and boards for displaying visual and tactile materials.

d. Home instruction

4. Teacher Qualifications

a. Until September 1, 1985, an individual/small group instruction teacher shall hold:

(i) An Ohio special education teacher's certificate to teach children with learning disabilities and/or behavior disorders, or

(ii) An Ohio teacher's certificate and a temporary learning disabilities and/or behavior disorders tutoring certificate.

b. Not later than September 1, 1985, an individual/small group instruction teacher shall hold an Ohio special education teacher's certificate to teach children with learning disabilities and/or behavior disorders.

c. A special class/learning center teacher shall hold an Ohio special education teacher's certificate to teach children with learning disabilities and/or behavior disorders.

3301-51-05 RELATED SERVICES FOR HANDICAPPED CHILDREN.

A. GENERAL

1. "Related services" means transportation and such developmental, corrective and other supportive services as are required to assist a handicapped child to benefit from special education.

2. The list of related services contained in this rule is not exhaustive and may include other developmental, corrective or supportive services, such as counseling services, recreation, school health services, and parent counseling and training, if they are required to assist a handicapped child to benefit from special education instruction.

3. A school district may arrange, by a cooperative agreement or

contract, with a non-profit agency for the provision of related services for handicapped children.

4. Related services, as described in this rule, may be considered a special education program if they provide specially designed instruction to meet the unique needs of a handicapped child and no other special education program is currently being provided to that child. If a special education program, as described in rule 3301-51-04 of the Administrative Code, is being provided, then these services are considered related services.

5. Each handicapped child shall be provided all services necessary to meet his or her special education and related needs as included in the IEP.

B. ADAPTED PHYSICAL EDUCATION SERVICES

1. Definition of Services

a. Adapted physical education is specially designed instruction in physical education to meet the unique needs of a handicapped child, including individual and/or group instruction. In an educational or instructional setting, the services of the adapted physical education specialist shall include:

(i) Providing an evaluation of abilities of motor and physical development as part of the multifactored evaluation;

(ii) Assisting in the development of the individualized education programs;

(iii) Providing, through comprehensive individual and/or group intervention strategies, instruction in order to enhance the individual's basic motor abilities, coordination, and physical and social-psychological performance;

(iv) Maintaining current performance records to be made available to parents and school personnel; and

(v) Providing consultation to children, parents, teachers and administrators regarding adapted physical education.

b. The services of an adapted physical education specialist may include:

(i) Providing inservice to school personnel and members

of the community regarding adapted physical education; and

(ii) Directing the activities of the teacher's aide as they relate to adapted physical education.

2. Housing, Facilities, Equipment and Materials

Adapted physical education instruction shall be provided in existing physical education facilities and designated for the use of the adapted physical educator during the scheduled times. When such an arrangement is not possible, an open floor area which is barrier free shall be provided to accommodate motor activities, games and sports on an individual or group basis.

3. Qualifications

a. The adapted physical education specialist shall:

(i) Hold an Ohio special teaching certificate for teaching physical education, kindergarten through grade twelve;

(ii) Have completed the course work for certificate validation for the moderately, severely and profoundly retarded teaching area; and

(iii) Possess twelve semester hours of course work in adapted physical education.

b. The adapted physical education specialist shall hold an Ohio special education teacher's certificate for an adapted physical education specialist if such certificate is established by the State Board of Education.

C. AIDE SERVICES

1. Definition of Services

a. The services of an aide shall include assisting the teacher in a special class/learning center.

b. The services of an aide may include assisting the professional in other areas of handicap in the provision of special education and related services.

2. Qualifications

a. Any aide being utilized in a special education program shall hold an Ohio educational aide permit as defined in section 3319.088 of the Revised Code.

b. The school district shall have written policies and procedures outlining:
   (i) Criteria for staff selection,
   (ii) A planned sequence of continuing education,
   (iii) The process for direct continuing supervision and evaluation of the services of such personnel, and
   (iv) A job description of the role and function of an aide.

D. ATTENDANT SERVICES

1. Definition of Services

The services of an attendant shall include assisting the orthopedically and/or other health handicapped or multihandicapped child with personal health care needs within the confines of the educational setting.

2. Housing and Equipment

The housing and equipment deemed necessary for an attendant to perform the duties outlined in the job description shall be provided by the local school district.

3. Qualifications

The school district shall have a job description for the attendant.

E. AUDIOLOGICAL SERVICES

1. Definition of Services

a. The services of an audiologist shall include:
   (i) Identifying children zero through twenty-one years of age with a suspected hearing loss;
   (ii) Determining the range, nature and degree of hearing loss, including referral for medical or other professional attention when indicated for the habilitation of hearing handicapped children;
   (iii) Providing habilitative activities such as auditory training, speech reading (lip-reading), and hearing evaluation for hearing handicapped children;
   (iv) Counseling and guidance of pupils, parents and teachers regarding hearing loss;
   (v) Determining the child's need for group and individual amplification, providing for the selection and fitting of

an appropriate hearing aid, and evaluating the effectiveness of amplification; and

(vi) Creating and coordinating conservation of hearing programs.

b. The services of an audiologist may include:

(i) Functioning in a consultant or advisory role for auditory management as a supplement to an existing program or related services;

(ii) Organizing an annual calibration check of audiometers in the system;

(iii) Conducting inservice for school personnel and members of the community regarding hearing and hearing handicaps; and

(iv) Assisting in the development of curriculum guides and local policies as related to hearing and hearing handicaps.

2. Housing, Facilities, Equipment and Materials

a. Services shall be provided within the local school building, whenever possible, and within a central test facility, when needed. Said test facilities shall meet current audiological standards and may be contracted for in the local community or provided in an appropriate school test facility.

b. The audiologist shall be provided with office space; office equipment, including a file cabinet with lock and key; and secretarial services. The audiologist shall have access to a telephone in an area where scheduling, parent contacts, and confidential conversations regarding children can be completed. Highly specialized evaluation equipment and materials may be contracted for or shared on a multidistrict basis.

c. Minimum audiological equipment, whether contracted for or available in the school district, shall include, but not be limited to:

(i) An appropriately sound-treated test room, meeting requirements for sound field testing;

(ii) A two-channel clinical audiometer;

(iii) A portable audiometer equipped with air and bone conduction, pure tone, and speech circuits with provision for masking;

(iv) An acoustic impedance instrument;
(v) A high quality portable tape recorder and tapes;
(vi) A portable auditory training unit;
(vii) Audiometer calibration equipment which includes sound level meter, coupler, and sound level meter calibrator;
(viii) An electro-acoustic hearing aid analyzer;
(ix) An otoscope;
(x) A hearing aid battery tester;
(xi) A hearing aid stethoscope; and
(xii) Evaluation and instructional materials.

3. Qualifications

a. The school audiologist shall hold an Ohio teacher's certificate.

b. The school audiologist shall possess at least a master's degree in audiology or its equivalent from an accredited institution.

c. The school audiologist shall hold an Ohio special education teacher's certificate for a school audiologist if such a certificate is established by the State Board of Education.

F. GUIDE SERVICES

1. Definition of Services

The services of a guide for a visually handicapped child shall include assisting the visually handicapped child in his or her travels within the confines of the educational setting.

2. Qualifications

The guide for a visually handicapped child shall be able to perform the duties as outlined in the job description provided by the local school district.

G. INTERPRETER SERVICES

1. Definition of Services

a. The services of an interpreter for hearing handicapped children shall include providing oral, simultaneous or manual interpreter service, depending upon the individual needs of the children served. This service may include, as the need demands:

(i) "Interpreting"—the incidental or substantial rewording of the speaker's remarks so that the content and spirit of the speaker's communication is accurately conveyed to the hearing handicapped person, using the language and communication mode that is most readily understood by the person for whom they are interpreting;

(ii) "Translating (transliterating)"—the verbatim repetition of the speaker's remarks in a communication mode most familiar to the hearing handicapped person for whom the interpreting is being provided;

(iii) "Reverse interpreting"—the verbal rephrasing of the message of a hearing impaired person whose speech may not be intelligible to a hearing person;

(iv) "Reverse translating"—the intelligible vocal presentation of the exact words of a hearing impaired speaker to a hearing audience.

b. The services of an interpreter for hearing handicapped children may include providing interpreter service to one or more than one student in a class during a single instructional period.

2. Housing, Facilities, Equipment and Materials

The services of an interpreter for hearing handicapped children shall be provided within a regular educational setting.

3. Qualifications

An interpreter for hearing handicapped children shall hold an Ohio educational aide permit as defined in section 3319.088 of the Revised Code and be able to perform the duties as outlined in the job description provided by the local school district.

H. MEDICAL SERVICES

1. School districts shall make available, at no cost to the parent, a medical evaluation as is necessary to determine initial or continued eligibility for special education and related services as required by the eligibility sections for each handicapping condition in rule 3301-51-04 of the Administrative Code.

2. If at any time a school district indicates a need for a medical evaluation to determine eligibility for a special education pro-

gram and related services, the school district shall make the medical evaluation available at no cost to the pupil or parent.

3. The school district may provide a medical evaluation through any licensed medical practitioner or medical specialist when indicated. This may be done through the school district physician, county health department, university affiliates, community agencies providing medical services, or any other such agency.

4. The school district may specify the agencies and physicians providing medical evaluations at no cost to the parent. Parents may use this option or secure the medical evaluation at their own expense.

5. The school district shall have written policies and procedures for notifying the parent of the availability of a medical evaluation, as described in paragraph H. 1. of this rule, at no cost to the child's parent.

I. OCCUPATIONAL THERAPY SERVICES

1. Definition of Services

a. The services of an occupational therapist shall include:
   (i) Providing an occupational therapy evaluation as part of the multifactored evaluation;
   (ii) Assisting in the development of the individualized education program;
   (iii) Providing therapy which will:
      (a) Improve, develop or restore functions impaired or lost through illness, injury or deprivation;
      (b) Improve ability to perform tasks for independent functioning when functions are impaired or lost; and
      (c) Prevent, through early intervention, initial or further impairment or loss of function.

b. The services of an occupational therapist may include:
   (i) Functioning as a consultant with the child's parent and school personnel,
   (ii) Directing and supervising the activities of the occupational therapy assistant,
   (iii) Instructing parents and teachers in the use of techniques and equipment, and
   (iv) Assisting in the provision of the specialized and adap-

tive activities in the prevocational and vocational programs.

c. The services of an occupational therapy assistant shall include:
   (i) Assisting in the practice of occupational therapy in providing services to handicapped children, and
   (ii) Working under the direction and supervision of an occupational therapist.

2. Housing, Facilities, Equipment and Materials

a. Although it is highly desirable that no other activity be carried out in the room during the time that this service is provided, occupational therapy may be conducted in the same room concurrently with special class instruction of students having the same handicapping condition, provided that there is adequate space to establish a separate area which is conducive to the provision of this service.

b. Depending upon the age and ability levels of the children, equipment and materials shall include, but not be limited to:
   (i) Testing equipment and supplies,
   (ii) Mats,
   (iii) Positioning aids,
   (iv) Developmental toys,
   (v) Splinting supplies,
   (vi) Visual/perceptual equipment,
   (vii) A mirror,
   (viii) Feeding and self-care supplies,
   (ix) Basic art supplies,
   (x) Woodworking tools, and
   (xi) Tools and materials to design and adapt equipment.

3. Qualifications

a. The occupational therapist shall hold an Ohio special education teacher's certificate for occupational therapy.

b. The occupational therapy assistant shall hold a current Ohio license to practice as an occupational therapy assistant.

J. ORIENTATION AND MOBILITY SERVICES

1. Definition of Services

a. The services of an orientation and mobility instructor shall include:

(i) Providing an orientation and mobility evaluation as a part of the multifactored evaluation;

(ii) Assisting in the development of the individualized education program for each child served;

(iii) Orienting handicapped children to their physical, cultural and social environment; and

(iv) Providing those children served with an understanding of their environment and with formalized skills for traveling safely and efficiently within the environment.

b. The services of an orientation and mobility instructor may include functioning as a consultant with the child's parent and school personnel.

c. One-half day per week shall be allocated for completing evaluations and classroom observation; staff, parent and agency conferences concerning individual children; and related follow-up.

2. Housing, Facilities, Equipment and Materials

a. The orientation and mobility instructor shall be housed in an office large enough to accommodate a desk, a filing cabinet for records, and special equipment and materials deemed necessary in meeting the individual needs of the students served in this program.

b. The orientation and mobility instructor shall have ready access to a telephone in an area where scheduling, parent contacts, and confidential conversations regarding students can be completed.

c. Provision shall be made for the maintenance and repair of all special equipment utilized in this program.

3. Qualifications

a. The orientation and mobility instructor shall hold an Ohio teacher's certificate and a degree in orientation and mobility from an approved college or university.

b. The orientation and mobility instructor shall hold an Ohio special education teacher's certificate for orientation and mobility instruction if such a certificate is established by the State Board of Education.

K. PHYSICAL THERAPY SERVICES

1. Definition of Services

a. The services of a physical therapist shall include:

(i) Providing a physical therapy evaluation, as prescribed by a licensed physician, as a part of the multifactored evaluation;

(ii) Developing an individual therapy plan based on the physician's prescription and therapist's evaluation for each child in the program;

(iii) Assisting in the development of the IEP;

(iv) Recommending adaptive equipment to aid the child in performing ambulation, physical exercise, communication skills, wheelchair activities, and proper positioning; and

(v) Providing for a therapeutic exercise program designed to improve or maintain strength and/or range of motion and to encourage motor and reflex development of the child.

b. The services of a physical therapist may include:

(i) Functioning as a consultant with the child's parent and school personnel,

(ii) Directing and supervising the activities of the physical therapy assistant, and

(iii) Instructing parents and teachers in the use of techniques and equipment.

c. The services of a physical therapy assistant shall include:

(i) Assisting in the practice of physical therapy in providing services to handicapped children, and

(ii) Working under the direction and supervision of a physical therapist.

2. Housing, Facilities, Equipment and Materials

a. Although it is highly desirable that no other activity be carried out in the room during the time that this service is provided, physical therapy may be conducted in the same room concurrently with special class instruction of students having the same handicapping condition, provided that there is adequate space to establish a separate area which is conducive to the provision of this service.

b. Depending upon the age and ability levels of the children, equipment and materials shall include, but not be limited to:

(i) Testing equipment and supplies,

(ii) Mats,

(iii) Parallel or walking bars,
(iv) Exercise weights,
(v) A posture mirror,
(vi) A stair set,
(vii) Mobility devices,
(viii) Items for fine motor development,
(ix) Positioning aids, and
(x) A stopwatch.

3. Qualifications

a. The physical therapist shall hold an Ohio special education teacher's certificate for physical therapy.

b. The physical therapy assistant shall hold a current Ohio license to practice as a physical therapy assistant.

L. READER SERVICES

1. Definition of Services

a. The services of a reader for visually handicapped children shall include reading orally the school assignments for the visually handicapped child for whom this service is deemed appropriate.

b. The services of a reader for visually handicapped children may include serving more than one student simultaneously if the reading assignments for the children are identical.

2. Housing, Facilities, Equipment and Materials

An appropriate room or area within the confines of the public school building, having proper heating, lighting, ventilation, and a low noise level, shall be available for use by personnel providing the service.

3. Qualifications

The reader for a visually handicapped child shall be able to perform the duties as outlined in the job description provided by the local school district.

M. SCHOOL PSYCHOLOGICAL SERVICES

1. Definition of Services

a. School psychologist

(i) The services of the school psychologist shall include:

(a) Providing the intensive psycho-educational evaluation of individual children identified as or thought to be handicapped;

(b) Contributing to the written report of the evaluation team and delineating the results of the psycho-educational evaluation for consideration in the development of the IEP for each handicapped child studied;

(c) Contributing to a multifactored evaluation, utilizing diagnostic instruments and techniques appropriate for the area of handicap or suspected handicap, as a part of the multidisciplinary team;

(d) Consulting with teachers, parents and other educational personnel on matters relating to the education and/or mental health of handicapped children to insure the provision of the most appropriate education program; and

(e) Counseling individually and in groups with handicapped students and/or their parents. The counseling shall be accompanied by written procedures which include the intake interview, the structure of counseling, and criteria for selection.

(ii) The annual caseload for a school psychologist shall be at a minimum of seventy-five children and should not exceed one hundred twenty-five children who have been provided an intensive evaluation.

(iii) The school psychologist shall be assigned as a staff person and shall not perform administrative responsibilities for the operation of any school program, except for the supervision of assigned school psychology aides.

(iv) The services of the school psychologist may include:

(a) Serving as a consultant to the schools in the development of educational evaluation and accountability procedures, pupil and personnel policies, inservice activities, curriculum, and staff development;

(b) Assisting educational staff in implementing or modifying instructional strategies, classroom management procedures, intervention strategies and follow-up activities;

(c) Directing and supervising the activities of the school psychology aide;

(d) Providing for a differentiated referral system allowing school personnel and parents to request intensive psycho-educational evaluation and evaluation and/or consultation for nonhandicapped children; and

(e) Providing screening programs, mental health activities, and referral to and consultation with outside service agencies.

(v) The school psychologist approved as a unit in the school foundation program may serve nonhandicapped children after all handicapped or suspected handicapped children have received appropriate psychological services.

(vi) The school psychologist not approved as a unit in the school foundation program or not funded under the provisions of federal funds for the handicapped may serve nonhandicapped children at any time.

b. Supervised experience

(i) General

(a) The program of supervised experience is administered cooperatively through the employing school district; the supervising university; and the Ohio Department of Education, Division of Special Education.

(b) Supervised experience shall be approved for those individuals planning to provide at least one year of service as a school psychologist in the schools of Ohio subsequent to completion of the supervised experience.

(c) The employing school district shall be approved as a training center on a three-year basis by the Ohio Department of Education, Division of Special Education, provided that the supervising staff and program are maintained at least at the same level.

(d) The supervising university shall have a school psychology training program approved by the Ohio Department of Education, Division of Teacher Education and Certification.

(ii) Organization

The supervised experience in school psychology shall be organized under guidelines approved by the Ohio Department of Education, Division of Special Education.

(iii) Multiple training center

(a) Multiple training centers for the supervised experience may be established with the approval of the Division of Special Education under paragraph M. 4. a. of this rule.

(b) There should be at least one more full-time certified school psychologist than the number of individuals assigned to the school district for the supervised experience.

(c) One certified school psychologist shall be assigned the specific responsibility for the supervised experience in school psychology and shall be given released time from other duties for these activities.

2. Housing, Facilities, Equipment and Materials

a. Suitable facilities for conducting the school psychologist's activities with children, teachers and parents shall be provided within local school buildings.

b. A private office suitable for private consultation; appropriate evaluation materials; adequate secretarial services; access to a telephone in an area where scheduling, parent contacts, and confidential conversations regarding students can be completed; and adequate office equipment and supplies shall be provided. Highly specialized materials and evaluation instruments may be shared on a multidistrict basis.

3. Qualifications

a. The school psychologist shall hold an Ohio school psychologist's certificate.

b. The supervised experience in school psychology shall be staffed by an individual who has completed all requirements for the provisional certificate in school psychology, excluding the supervised experience, and shall have a temporary certificate in child study.

N. SPEECH AND LANGUAGE SERVICES

1. Speech and language services provided by a speech-language

pathologist are provided as a supplement to the child's basic educational program, either in regular education or in special education.

a. If some other special education program is being provided to the speech handicapped child, the speech and language services are considered related services.

b. If the basic educational program being provided to the speech handicapped child is regular education, the speech and language services are considered a special education program.

2. Eligibility

A child who meets the definition for speech handicapped according to paragraph GGG. of rule 3301-51-01 of the Administrative Code and the following requirements shall be eligible for special education programming and related services for speech and language handicapped children:

a. Has a multifactored evaluation that includes, but is not necessarily limited to, evaluations in the following areas:
   (i) Communicative status, and
   (ii) Hearing, and
   (iii) Educational functioning.

b. Exhibits one or more of the following disorders which has an adverse effect upon the child's educational performance:
   (i) Language handicap—a child is considered to have a language handicap when a significant deviation exists between developmental norms and the child's performance in receptive and/or expressive oral language encompassing the areas of morphology, syntax, semantics and pragmatics, with or without auditory processing difficulties.
   (ii) Articulation handicap—a child is considered to have an articulation handicap when his or her speech contains consistent misarticulations, additions, substitutions, distortions, or omissions of one or more phonemes. The results of a norm referenced standardized prognostic evaluation instrument must be considered for a child below eight years of age prior to determining eligibility for services.
   (iii) Fluency handicap—a child is considered to have a fluency handicap when the flow of speech is inter-

rupted by repetitions or prolongations of sound, syllable, word or articulatory posture and the disruptions evoke negative reactions from the speaker and/or listener.

(iv) Voice handicap—a child is considered to have a voice handicap when he or she exhibits difficulties in the areas of pitch, quality and/or loudness not appropriate to the child's age or sex.

c. Medical consultation shall be encouraged especially when school authorities believe that there has been a change in the child's behavior or educational functioning, or when new symptoms have been detected.

d. The required reevaluation includes, but is not necessarily limited to, the areas in paragraph N. 2. a. of this rule.

3. Definition of Services

a. The services of the speech-language pathologist shall include:

(i) Identification of children with speech and language handicaps;

(ii) Diagnosis and appraisal of specific speech and/or language handicaps;

(iii) Referral for medical or other professional attention necessary for the habilitation of speech or language handicaps;

(iv) Provision of speech and language services for the habilitation or prevention of communicative handicaps; and

(v) Provision of counseling and guidance of parents, children and teachers regarding speech and language handicaps.

b. The services of the speech-language pathologist may include:

(i) Assisting in the development of curriculum guides and local policies as related to speech and language handicaps;

(ii) Serving as a consultant to classroom teachers; and

(iii) Providing inservice for school and community related to speech and language handicaps.

c. The data from the multifactored evaluation of the handicapped child and the child's IEP shall reflect the involve-

ment of the speech-language pathologist and be available to and used by the pathologist in the development of the child's remediation program.

d. Periodic written reports consistent with the reporting schedule of the school district or other educational agency of attendance shall be provided to the parent of the handicapped child regarding the child's progress.

e. A minimum of one-half to one full day per week shall be allocated for diagnostic testing and classroom observation; coordination of the program; parent, staff and agency conferences concerning individual children; staff development activities; and follow-up.

f. At any one time, the caseload for a speech-language pathologist shall be at a minimum of thirty children and should not exceed eighty speech handicapped children who have been provided remedial sessions. In order to meet the minimum case load requirement of thirty:

   (i) A minimum of one remedial session per child per week must be provided during each week that the school is legally in session, and

   (ii) A remedial session shall be a period of not less than twenty minutes nor more than one hour.

g. Speech and language services may be provided:

   (i) To students in their classrooms, with the speech-language pathologist serving as a consultant to the classroom teacher; or

   (ii) To students, in an appropriate facility, individually or in groups up to ten at any one time, providing that the IEP of each child indicates that the same instructional program will meet the needs of all of the children within the group.

h. The scheduling of children for services shall be determined in consultation with the speech-language pathologist.

4. Housing, Facilities, Equipment and Materials

a. Speech and language services shall be provided in a quiet room that is adequately heated, lighted and ventilated. An electrical outlet shall be provided in each center. The speech-language pathologist shall have the exclusive use of the center during his or her scheduled time at the center.

b. Each center shall be equipped with a table and a sufficient number of student chairs, a teacher's chair, a bulletin board, a permanent or portable chalk board, and a large mirror mounted so that the speech-language pathologist and children may sit before it.

c. School districts shall make available one portable individual pure tone audiometer for the use of each speech-language pathologist. The audiometer shall be checked annually and shall be calibrated at least once every three years in accordance with current minimum audiological standards.

d. School districts shall make available one portable tape recorder and a supply of tapes for the use of each speech-language pathologist.

e. School districts shall make available one portable auditory training unit, or a similar instrument, for the use of each speech-language pathologist.

f. School districts shall make available a file cabinet with lock and key for the records of the speech-language pathologist.

g. Provision shall be made for the maintenance and prompt repair of all special equipment utilized for speech handicapped children.

h. A variety of multilevel and multimedia learning materials shall be available for use to meet the individual interests, learning abilities, and needs of the children enrolled in the program.

i. The speech-language pathologist shall be provided secretarial assistance and shall have access to a telephone in an area where scheduling, parent contacts, and confidential conversation regarding children can be completed.

5. Qualifications

The speech-language pathologist shall hold an Ohio special education teacher's certificate for speech and hearing therapy.

O. SUPERVISORY SERVICES

1. Definition of Services

The district shall provide supervisory services to all personnel involved in the delivery of special education. These services shall include, but not necessarily be limited to:

a. Assisting in the establishment and implementation of school policies and procedures relating to federal and state laws for special education and Chapter 3301-51 of the Administrative Code;

b. Providing information to school personnel regarding state and federal laws and regulations and other topics essential for the delivery of services to handicapped children;

c. Providing consultation and assistance, through observation and discussion, to personnel to assure continuity among evaluation data, the IEP, and daily lesson plans;

d. Assisting in parent conferences, development of the IEP's, and periodic reviews to assure that appropriate special education is being provided for all handicapped children;

e. Assisting in the development of educational evaluation and accountability procedures, curriculum and staff development, and implementing or modifying instructional or classroom management strategies.

f. Assisting in the ongoing implementation of child information management system procedures utilized in the identification, evaluation, IEP development, placement, and periodic review of handicapped children who may need special education and related services;

g. Providing inservice to special education personnel, parents, tutors, aides, administrators and general education personnel regarding the education of handicapped children; and

h. Evaluating, on at least an annual basis, the strengths and weaknesses of the special education programs assigned to the supervisor and providing this report in writing to the appropriate administrators.

2. Housing, Facilities, Equipment and Materials

Each supervisor shall be provided with a telephone, office space, supplies, and secretarial services.

3. Qualifications

For a supervisory unit to be funded, the supervisor must meet the following criteria:

a. Hold an Ohio special education teacher's certificate in at least one of the areas of handicapped children to be supervised;

b. Have three years of teaching experience in one of the areas of handicapped children to be supervised; and

c. Hold a superintendent, an educational administrative specialist, principal, or supervisor certificate.

P. VOCATIONAL SPECIAL EDUCATION COORDINATOR SERVICES

1. Definition of Services

The services of a vocational special education coordinator shall include:

a. Providing assistance in the work evaluation of handicapped students referred to a vocational education planning district or joint vocational school district for placement;

b. Monitoring students' progress in accordance with the IEP and the vocational education program;

c. Assisting in the development of the IEP and vocational education program, including the development of specific instructional objectives;

d. Assisting the classroom teacher and vocational instructor in the development and modification of curriculum and instructional materials;

e. Assisting the classroom teacher and vocational instructor in the development of new teaching techniques and classroom management techniques;

f. Providing supplemental instruction to those handicapped students requiring intensive support;

g. Providing liaison to the home school and parents;

h. Serving as liaison among such persons as teachers, counselors, lab instructors, and work-study coordinators who are directly involved with providing services to the handicapped student;

i. Assisting in the development of an on-going evaluation and referral system for tenth grade handicapped students in the home school;

j. Monitoring progress of handicapped students on a continuous basis and developing procedures for returning handicapped students to the work-study program or home school program;

k. Assisting the work-study coordinator in follow up studies to determine progress of program graduates and/or dropouts.

(viii) Interpreting work-study program needs, goals and purposes to school personnel, students, parents and community.

b. The services of a work-study coordinator may include:

(i) Assisting classroom teachers in areas such as career awareness, vocational planning, and independent living;

(ii) Assisting classroom teachers in planning the curriculum as it relates to vocational/occupational instruction;

(iii) Functioning as a liaison between the work-study program and community agencies; and

(iv) Participating in the development of IEP's for those students involved in a work-study program.

2. Housing, Facilities, Equipment and Materials

The work-study coordinator shall be provided with access to secretarial services, office space, and telephone usage in an area where employer and parent contacts, scheduling, and confidential conversations regarding students can be completed.

3. Qualifications

A work-study coordinator shall hold an Ohio special education teacher's certificate in one area of special education and shall show evidence of at least three years of teaching experience in approved programs for handicapped children. At least one of the three years teaching experience shall be at the high school level or equivalent experience approved by the Division of Special Education.

3301-51-06 FUNDING FOR SPECIAL EDUCATION AND RELATED SERVICES.

A. GENERAL

1. All special education programs and related services shall be operated in accordance with rules for special education adopted by the State Board of Education.

2. A supplemental services teacher, special class/learning center teacher, supervisor, vocational special education coordinator, or work-study coordinator unit may be approved on a

fractional basis, provided the individual is employed full-time in that role.

3. A speech-language pathologist, adapted physical education specialist, audiologist, occupational therapist, orientation and mobility instructor, physical therapist, or school psychologist unit may be approved on a fractional basis.

B. STATE REIMBURSEMENT WILL BE APPROVED IN ACCORDANCE WITH THE FOLLOWING RULES:

1. Multihandicapped

a. A supplemental services teacher unit may be approved on the basis of fifteen to thirty identified handicapped children enrolled full-time in the regular class.

b. A special class/learning center unit may be approved on the basis of six to eight multihandicapped children enrolled.

2. Hearing Handicapped

a. A supplemental services teacher unit may be approved on the basis of fifteen to thirty identified handicapped children enrolled full-time in regular class.

b. Individual/small group instruction for hearing handicapped children may be reimbursed at an hourly rate of one-half of the local cost per instructional period, regardless of whether the instruction is on an individual basis or for two or three students being taught simultaneously. This instruction shall not be reimbursed for more than one hour per day, per individual or small group, for each day that the school district is legally in session.

c. A special class/learning center unit may be approved on the basis of six to ten hearing handicapped children enrolled.

3. Visually Handicapped

a. A supplemental services teacher unit may be approved on the basis of fifteen to thirty identified handicapped children enrolled full-time in the regular class.

b. Individual/small group instruction for visually handicapped children may be reimbursed at an hourly rate of one-half of the local cost per instructional period, regardless of whether the instruction is on an individual basis or for two or three students being taught simultaneously. This instruction shall

not be reimbursed for more than one hour per day, per individual or small group, for each day that the school district is legally in session.

c. A special class/learning center unit may be approved on the basis of six to ten visually handicapped children enrolled.

4. Orthopedically and/or Other Health Handicapped

a. A supplemental services teacher unit may be approved on the basis of fifteen to thirty identified handicapped children enrolled full-time in the regular class.

b. A special class/learning center unit may be approved on the basis of six to ten orthopedically and/or other health handicapped children enrolled.

c. Home instruction for orthopedic and/or other health handicapped children may be reimbursed at an hourly rate of one-half of the local cost. This instruction shall not be reimbursed for more than one hour per day per child, with the total number of hours reimbursed not to exceed the number of days that the school district was legally in session.

5. Severe Behavior Handicapped

a. A supplemental services teacher unit may be approved on the basis of fifteen to thirty identified handicapped children enrolled full-time in the regular class.

b. A special class/learning center unit may be approved on the basis of six to twelve severe behavior handicapped children enrolled.

c. Home instruction for severe behavior handicapped children may be reimbursed at an hourly rate of one-half of the local cost. This instruction shall not be reimbursed for more than one hour per day per child, with the total number of hours reimbursed not to exceed the number of days that the school district was legally in session.

6. Developmentally Handicapped

a. A supplemental services teacher unit may be approved on the basis of fifteen to thirty identified handicapped children enrolled full-time in the regular class.

b. A special class/learning center unit may be approved on the basis of eight to sixteen children at the elementary, middle or junior high school levels, or twelve to twenty-four children at the senior high school level.

7. Specific Learning Disabled

a. A supplemental services teacher unit may be approved on the basis of fifteen to thirty identified handicapped children enrolled full-time in the regular class.

b. Individual/small group instruction for learning disabled children may be reimbursed at an hourly rate of one-half of the local cost per instructional period, regardless of whether the instruction is on an individual basis or for two or three students being taught simultaneously. This instruction shall not be reimbursed for more than one hour per day, per individual or small group, for each day that the school district is legally in session.

c. A special class/learning center unit for specific learning disabled children may be approved on the basis of eight to sixteen children at the elementary, middle or junior high school levels, or twelve to twenty-four children at the senior high school level.

8. Adapted Physical Education Services

An adapted physical education specialist unit may be approved for two thousand multihandicapped, hearing handicapped, visually handicapped, orthopedically and/or other health handicapped, severe behavior handicapped, developmentally handicapped, and specific learning disabled children receiving special education based on the annual federal child count.

9. Attendant Services

Attendant services for multihandicapped and orthopedic and other health handicapped children may be reimbursed for the actual cost up to one hour per day at the current state minimum wage rate for each three children. The number of hours reimbursed shall not exceed the total number of days that the school was legally in session.

10. Audiological Services

An audiology unit may be approved on the basis of seventy-five to one hundred hearing handicapped children receiving special education.

11. Guide Services

Guide services for visually handicapped children may be reimbursed for the actual cost up to one hour per day per child at the current state minimum wage rate. The number of hours

reimbursed shall not exceed the total number of days that the school was legally in session.

12. Interpreter Services

Interpreter services for hearing handicapped children may be reimbursed at an hourly rate of one-half of the local cost of the services provided during a portion of the regular school day and only for the days that the school was legally in session.

13. Occupational Therapy Services

An occupational therapy unit may be approved on the basis of forty to fifty multihandicapped and orthopedic and/or other health handicapped children.

14. Orientation and Mobility Services

An orientation and mobility unit may be approved on the basis of forty to fifty visually handicapped children.

15. Physical Therapy Services

A physical therapy unit may be approved on the basis of forty to fifty multihandicapped and orthopedic and/or other health handicapped children.

16. Reader Services

Reader service for visually handicapped children may be reimbursed for the actual cost up to two hours per day per child at the current state minimum wage rate. The number of hours reimbursed shall not exceed two times the total number of days that the school was legally in session.

17. School Psychological Services

a. A school psychology unit may be approved on the basis of two thousand five hundred children in average daily membership.

b. A unit for supervised experience in school psychology may be approved in accordance with a written outline of planned experiences approved in advance by the school district, approved training institution, and the Division of Special Education.

18. Speech and Language Services

a. A unit for a speech-language pathologist may be approved on the basis of two thousand children in average daily membership.

b. A unit for speech-language pathologist may be approved on the basis of fifty multihandicapped, hearing handicapped or orthopedic and/or other health handicapped children in special class/learning center units.

19. Supervisory Services

a. A supervisory unit may be approved for a minimum of ten instructional units for multihandicapped, hearing handicapped, visually handicapped, orthopedic and/or other health handicapped, and severe behavior handicapped children without regard to the funding source. Additional supervisory units may be approved for each additional twenty units within these categories.

b. A supervisory unit may be approved for a minimum of twenty instructional units for specific learning disabled and developmentally handicapped children without regard to the funding source. Additional supervisory units may be approved for each additional twenty units within these categories.

c. A supervisory unit may be approved for a minimum of twenty units for speech handicapped children without regard to the funding source. Additional supervisory units may be approved for each additional twenty units within this category.

d. A supervisory unit may be approved for each twenty school psychology units without regard to the funding source.

20. Vocational Special Education Coordinator Services

A vocational special education coordinator unit may be approved to serve twenty-five to fifty identified handicapped students whose IEP's state that this service is appropriate for them and who are enrolled in a program in a vocational education planning district or in a joint vocational school district.

21. Work-Study Services

A work study coordinator unit may be approved for a minimum of seventy-five identified handicapped children, as specified in rule 3301-51-04 of the Administrative Code, in grades nine through twelve in a single district, or for a minimum of fifty-five handicapped children in a multidistrict.

3301-51-10 PROGRAM STANDARDS FOR TRANSPORTATION OF HANDICAPPED CHILDREN.

(Note: The handicaps as defined in State Board of Education Standards 3301-51-01, 02, 03, 04, 05 and 06 in this section should be interpreted as defined in Rules for The Education of Handicapped Children 3301-51-04 A., B., C., D., E. and G.)

A. PHYSICALLY HANDICAPPED

1. Definition

The term "physically handicapped" shall apply to this section as hearing impaired, visually impaired, crippled, severe and/or multiple impairments, learning and behavioral disabilities and severe behavioral handicaps as defined in State Board of Education Standards, 3301-51-01, 02, 03, 04, 05 and 06.

2. Eligibility

a. Reimbursement for transportation may be approved for physically handicapped children (State Board of Education Standards 3301-51-01, 02, 03, 04, 05 and 06) attending a special class program approved by the Division of Special Education.

b. Reimbursement for transportation may be approved for physically handicapped children (State Board of Education Standards, 3301-51-01, 02, 03 and 04) attending a regular class in public or non-public school.

c. Reimbursement for transportation to regular class for less than two months' duration shall not be approved by the Division of Special Education.

3. Reimbursement

a. *Board Owned or Board Operated Vehicles*
The Division of Special Education may approve for reimbursement the actual cost of transportation up to $3 per day per child in ADM and one-half of the actual cost in excess of $3 per day for children being transported on a board owned or board operated vehicle.

b. *Privately Owned Vehicles*
The Division of Special Education may approve for reimbursement the actual cost of transportation up to $3 per day

per child in average daily membership and one-half of the actual cost in excess of $3 per day for children being transported on a privately owned vehicle.

c. *Public Transportation*

The Division of Special Education may approve for reimbursement the actual cost of transportation up to $2 per day per child in ADM and one-half of the actual cost in excess of $2 per day for children being transported by public transportation.

d. *Reimbursement*

Reimbursement claims for transportation shall be submitted by August 1 of each year on the designated claim forms to the Division of Special Education.

4. Data to be on File in School District

a. *Vehicle*

(i) *Board Owned or Operated Vehicles*

(a) Evidence that the driver is a licensed operator (chauffeur).

(b) Evidence that the vehicle has passed an annual Highway Patrol road safety inspection and is licensed as a county or city vehicle.

(c) Evidence that the Board of Education has insurance coverage equal to that provided for regular school buses.

(ii) *Privately Owned Vehicle*

(a) A privately owned vehicle utilized to transport a pupil of the family is not subject to regulation other than that required by state law.

(b) Privately owned vehicles for transportation of pupils other than family members shall have:

(i) Evidence that the driver holds a current Ohio chauffeur's license.

(ii) Evidence that the vehicle has passed an annual Highway Patrol road safety inspection.

(iii) Evidence that the vehicle is insured by the owner.

b. *Student*

(i) For those physically handicapped students attending a regular public school or non-public school there must

be on file medical evidence from a physician that the student is physically unable to attend school without the aid of special transportation.

(ii) No medical evidence is needed for transportation of those students enrolled in Division of Special Education approved classes for hearing impaired, visually impaired, crippled, severe and/or multiple impairments, and learning and behavioral handicaps as defined in State Board of Education Standards 3301-51-01, 02, 03, 04, 05 and 06.

B. TRANSPORTATION TO RESIDENTIAL SCHOOLS

1. **"Definition"** — This section refers only to the Ohio School for the Deaf and the Ohio State School for the Blind.

2. **Eligibility** —
   a. Reimbursement for transportation may be approved to the school district of residence for transportation of children placed in either residential school on a residential basis.
   b. Reimbursement may be approved for eighteen trips home and return. This shall include weekends, holidays and vacations. Additional trips may be reimbursed for emergency or other reasons if required by the superintendent of the residential school.
   c. Placement of a student in either residential school qualifies the school district for reimbursement for transportation during the time the student is enrolled.

3. **Reimbursement** —
   a. Ohio Department of Education will reimburse school districts the actual cost of transportation up to three dollars per child per trip between the child's residence and the residential school and one-half of the actual cost in excess of three dollars per child per trip.

3301-51-14 PROGRAM STANDARDS FOR TRANSPORTATION OF EMR CHILDREN *,**

(Note: The term EMR as utilized in this section should be interpreted as defined in Rules for The Education of Handicapped Children 3301-51-04 F. — Program for Developmentally Handicapped Children.)

A. DEFINITION

The term "Educable Mentally Retarded" shall apply to this section as this term is defined in section 3317.05, Revised Code.

*Section 3327.01 of the Ohio Revised Code requires a district board of education to provide transportation for all elementary (K-8) pupils who live more than two miles from their school of assignment.

**State Board of Education regulations adopted on January 12, 1970 provide reimbursement for all pupils transported over one mile.

B. ELIGIBILITY

1. Transportation shall be provided for all elementary (K-8) EMR pupils who reside more than one mile from their school if their place of residence is outside the assigned school building attendance area.

2. Transportation shall be provided for all high-school (9-12) EMR pupils who reside more than two miles from their school if their place of residence is outside the assigned school attendance area.

   Exception to (1) and (2):

   Any exception to subsections (1) and (2) may be made upon the recommendation of the district superintendent as follows:

   a. After initial evaluation of each circumstance in which it is claimed that the pupil cannot walk to and from school with reasonable safety, the district superintendent shall decide whether or not further action upon the claim shall be taken;

   b. Where it is determined that further action upon the claim shall be taken, the district superintendent shall file an exception report with the Director, Division of Special Education, Ohio Department of Education; and

   c. The Director, Division of Special Education, Ohio Department of Education, shall approve or disapprove needs claimed in each exception report. Upon approval by the Director of needs claimed in each exception report, transportation shall be provided for the pupil regardless of distance between the pupil's residence and school of attendance.

EMR pupils residing in hazardous areas, regardless of distance, shall be provided transportation when such area is declared hazardous by the school district board of education.

3. The maximum allowable student travel time (regardless of vehicle type) shall not exceed forty-five minutes one way.

4. Transportation shall be provided for all EMR pupils attending approved classes outside the district when
   a. The pupil is assigned to such classes by the board of education; and
   b. Such classes are a minimum of one mile from the pupil's residence.

5. Where it is impractical to transport EMR pupils on regular school buses on regular routes a district board of education shall adopt a resolution to this effect in order to qualify for special reimbursement for transportation provided by another means.

6. Transportation shall be provided in accordance with the provisions of sections (C) and (D) below as approved by the State Department of Education.

C. OPERATIONAL

1. A request for approval (Form T-5) to utilize vehicles other than regular school buses for the transportation of EMR pupils shall be submitted to the State Department of Education, Pupil Transportation Section no later than September 15th of each year. Approval or disapproval shall be based upon vehicle safety inspection standards established by the Ohio Highway Patrol and shall be made to the requesting district no later than September 30th of each year.

   A copy of the board resolution declaring it "impractical" to transport EMR pupils on regular buses on regular routes shall be submitted, on school letterhead, with the Form T-5, and signed by the clerk of the board of education and the district superintendent.

2. School districts receiving State Department of Education approval to utilize vehicles other than regular school buses for the transportation of EMR pupils shall file Form T-6 with the Department of Education no later than October 30th of each year.

D. REIMBURSEMENT

1. Reimbursement for the transportation of EMR pupils by board owned and operated school buses used exclusively for EMR routes shall be calculated according to the current formula as stated in current Standards EDb-917-01 through EDb-917-03, inclusive, of the official standards of the state board of education of Ohio.

2. Reimbursement for the transportation of EMR pupils by approved vehicles owned and operated by a board of education (other than school buses as defined in #1 operations) shall be $0.20 per mile or actual expense, whichever is less, for total annual authorized miles traveled.

3. Reimbursement for the transportation of EMR pupils by approved privately owned vehicles (other than school buses as defined in #2 operations) shall be $0.20 per mile or actual expense, whichever is less, for total annual authorized miles traveled.

4. Reimbursement for the transportation of approved EMR pupils by taxi shall be $3.00 per day or actual expense, whichever is less, for each day that the pupil is in attendance and transportation is provided.

5. Reimbursement for the transportation of approved EMR pupils by public utilities (city transit) shall be $1.00 per day or actual expense, whichever is less, for each day the pupil is in attendance and transportation is provided.

6. Reimbursement for the transportation of EMR pupils by board owned and operated school buses meeting the provisions of sections 3327.10, 4511.01, 4511.761, 4511.764, and 4511.77, Revised Code, shall be calculated according to the current formula as stated in current Standards EDb-917-01 through EDb-917-03, inclusive, of the official standards of the state board of education of Ohio.

7. Reimbursement for the transportation of EMR pupils by privately owned buses under contract with a board of education and meeting the provisions of sections 3327.10, 3327.10 (C), 4503.04, (F), or 4511.764, 4511.763, 4511.01, 4511.761, and 4511.77, Revised Code, used exclusively to transport to and

from school, shall be calculated according to the current formula as stated in current Standards EDb-917-01 through EDb-917-03, inclusive, of the official standards of the state board of education of Ohio.

8. Reimbursement for the transportation of EMR pupils by conveyances other than regular school buses, as approved by the Department of Education, shall be made to eligible school districts in January and within the first quarter of the next succeeding fiscal year. The January reimbursement shall be calculated as an estimate from the Form T-6 data as submitted in October. Final payment and adjustments made within the first quarter of the next succeeding (fiscal) year shall be based upon Form T-7 (report of actual expenses).

9. Form T-7 (report of actual expenses) shall be filed with the Department of Education, Pupil Transportation Section, no later than July 15th.

3301-51-20 STANDARD FOR ADMISSION, TRANSFER, SUSPENSION AND EXPULSION — THE OHIO STATE SCHOOL FOR THE BLIND AND THE OHIO SCHOOL FOR THE DEAF.

A. ADMISSION

1. **Assessment** —

   a. All children referred for placement at the Ohio School for the Deaf or the Ohio State School for the Blind will be given a multi-factored evaluation.

   b. The superintendent of the residential school may request a multi-factored evaluation by the residential school's educational clinic if the information provided by the school district of residence does not satisfy the criteria needed for placement consideration.

2. **Placement** —

   a. The superintendent of the school district of residence shall make a placement decision within fifteen days of receipt of the placement team conference report and shall notify the parents of the decision.

b. The placement decision shall be based on the eligibility requirements contained in the appropriate State Board of Education Program Standards for Special Education. *(Rules for The Education of Handicapped Children 3301-51)*

3. **Eligibility Criteria** — The actual enrollment will be determined by the following:

   a. The child must meet the eligibility requirements as outlined in standards 3301-51-01 for hearing impaired or 3301-51-03 for visually impaired. *(Rules for The Education of Handicapped Children 3301-51-04 B. and 3301-51-04 C. respectively)*

   b. There must be adequate space in the facility and/or program.

   c. Enrollment in the deaf-blind program will be determined by the child's meeting the federal definition of "deaf-blind" as stated in Public Law 91-230, appropriate state standards for special education programs *(Rules for The Education of Handicapped Children 3301-51-04 A.)*, and the availability of adequate space in the facility and/or program.

   d. The child must have the potential for physical and social maturity to adjust to the discipline of formal instruction and group living.

4. **Appeal Procedure** — If the residential school superintendent objects to the placement decision by the referring school district superintendent, then the following procedures shall be followed:

   a. The residential school superintendent shall make a written objection to the superintendent of the school district of residence stating the specific reasons for objecting to the placement. The superintendent of the school district of residence shall conduct a review, hold a hearing, and shall notify in writing all parties involved of his decision within twenty days.

   b. If the superintendent of the school district of residence and the residential school superintendent cannot resolve their disagreement over placement of a child, then a representa-

tive of the Ohio Department of Education will conduct an administrative review of the facts of the case, may hold an informal hearing with those involved, issue a placement decision within twenty days of the conference and communicate that decision in writing to the superintendent of the school district of residence and the residential school superintendent.

c. The superintendent of the school district of residence or the residential school superintendent may present a formal objection in writing within twenty days to the board of education and the superintendent of the school district of residence and request an impartial due process hearing.

d. An independent hearing officer, mutually selected by personnel from the school district of residence and objecting residential school superintendent from a list prepared by the state department of education, shall conduct a hearing to review the placement decision.

(i) The educational status of the child will not be changed unless the hearing officer decides that the health and safety of the child or others would be endangered, or, if applying for initial admission to a public school, shall, with the consent of the parents or guardian, be placed in a public school program until all such proceedings have been completed.

(ii) Procedures set forth in Due Process Standards (D4d) shall be followed during the impartial due process hearing. In accordance with 3323.04 of the Revised Code, the decision of the hearing officer shall be final, except for the appeal procedures available to the child or his parent under Revised Code 3323.05.

(iii) Cost incurred in the impartial due process hearing procedure will be divided equally between the referring school district and the receiving state residential school (Section 3323.04, Revised Code).

B. DISMISSAL PROGRAM

1. If, in the judgment of the residential school superintendent, the program is not appropriate for the child, he shall inform the superintendent of the school district of residence and the par-

ent in writing of his intention to dismiss the child from the residential school in accordance with the authority contained in Section 3323.03 of the Revised Code. Such written notice shall state the reasons supporting the residential school superintendent's intention to dismiss the child.

2. The residential school superintendent may request a multi-factored evaluation. Results of the evaluation will be provided to the residential school superintendent, the superintendent of the school district of residence, and the parents.

3. If the superintendent of the school district of residence or the parent of the child objects to this intention, steps A4(a) through A4(e) of the appeal procedure identified above shall be followed. The educational status of the child shall not change until all appeal proceedings are completed.

C. SUSPENSION, EXPULSION AND TEMPORARY REMOVAL

1. Suspension, expulsion or temporary removal may result from one or more of the following: damaging or attempting to damage property on or off campus; disrupting school or other campus and cottage activities; any acts of violence, force, coercion, extortion or threat; assault or attempted assault on other pupils or employees; possessing, using, transmitting or concealing any weapon, alcohol or drug; arson or attempted arson; theft; reckless operation of a vehicle on or near campus; truancy; or any other personal and/or social behavior deemed unacceptable by the superintendent or principal.

2. All suspensions and expulsions will be formalized by the residential school superintendent and shall be in accordance with the procedures identified below:

   a. Suspension shall not exceed ten school days. Prior to suspension, the child shall be given:

      (i) Written notice of and reasons for the intended suspension.

      (ii) An opportunity to appear at an informal hearing before the residential school superintendent or his designee and challenge the reasons for the intended suspension.

b. Expulsion may not go beyond the current semester. Prior to expulsion the child and his parent, guardian or custodian shall be given:

(i) Written notice of and reasons for the intention to expel the child.

(ii) Provide them an opportunity to appear before the residential school superintendent or his designee to challenge the reasons. The time and place of the hearing shall be designated in the notice.

c. Temporary removal —

(i) A child who poses a continuing danger to persons or property or an ongoing threat of disrupting academic or extra-curricular activities, may be removed by the residential school superintendent or his designee without the notice and hearing requirements.

(ii) Children temporarily removed shall be given written notice of the reasons for removal as soon as practicable after the removal.

(iii) A hearing shall be held within seventy-two hours from the time of the removal order.

3. Suspension and expulsion notice shall be sent to the child's parent, guardian or custodian, a representative of the Ohio Department of Education, and the superintendent of the school district of residence. The notice shall include reasons for suspension or expulsion and the right to appeal to a representative of the State Department of Education. Notice shall be given within twenty-four hours after the suspension or expulsion.

D. APPEAL

1. A child and/or his parent, guardian or custodian may appeal his expulsion or suspension by the residential school superintendent and have the right to invite others to participate in the appeal proceedings, including legal counsel and shall be granted a hearing before a representative of the Ohio Department of Education or his designee. The representative of the Ohio Department of Education may affirm the order or may reverse, vacate or modify the order.

2. A written or electronic verbatim record of the appeal hearing shall be made.

Copies Available At:

OHIO DEPARTMENT OF EDUCATION

DIVISION OF SPECIAL EDUCATION

933 High Street

Worthington, Ohio 43085-4087

The activity which is the subject of this report was supported in whole or in part by the U.S. Department of Education. However, the opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Education, and no official endorsement by the U.S. Department of Education should be inferred.

The Ohio Department of Education insures equal employment and equal educational opportunities regardless of race, color, creed, national origin, handicap, or sex in compliance with state directives and federal recommendations.